

## **CHAPTER 107-02-02**

### **MINOR USE PESTICIDE FUND GRANT PROGRAM**

#### **Section**

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#### **107-02-02-01. Definitions.**

As used in this chapter:

1. "Agricultural commodity" means any distinctive type of agricultural, horticultural, vegetable, or animal product, including products qualifying as organic food products, bees, and honey.
2. "Board" means the crop protection product harmonization and registration board.
3. "FFDCA" means the federal Food, Drug, and Cosmetic Act, as amended [21 U.S.C. 301 et seq.].
4. "FIFRA" means the federal Insecticide, Fungicide, and Rodenticide Act, as amended [7 U.S.C. 136 et seq.].
5. "IR-4 program" means interregional research project number four established by the United States secretary of agriculture under the Competitive, Special, and Facilities Research Grant Act [Pub. L. 89-106, § 2, August 4, 1965; 79 Stat. 431; 7 U.S.C. 450i(e)]. The purpose of the IR-4 program is to carry out the collection of residue and efficacy data in support of minor use pesticide registration or reregistration and to determine tolerances for minor use chemical residues in or on agricultural commodities.
6. "Laboratory" means the IR-4 program satellite laboratory established at North Dakota state university, or other IR-4 program satellite laboratories approved by the board.
7. "Minor crop" means an agricultural crop considered to be minor in the national context of registering pesticides.
8. "Minor use" means a pesticide use considered to be minor in the national context of registering pesticides, including a use for a special local need.
9. "Minor use pesticide fund" means the special fund in the state treasury created under North Dakota Century Code section 4-35-06.3.
10. "Other uses" means registration, reregistration, or modification of a pesticide registration for minor crops, minor uses, major crops, and major uses. "Other uses" includes research and other factfinding efforts relative to pesticide registration and use, but not nonresearch efforts such as persuading state or federal public officials to change current laws, rules, or regulations related to pesticide registration and use.
11. "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.
12. "Registration" means the authorized use of a pesticide approved by the North Dakota department of agriculture.

**History:** Effective August 1, 2002.  
**General Authority:** NDCC 4-35-30  
**Law Implemented:** NDCC 4-35-06.3

**107-02-02-02. Purpose.**

A minor use pesticide fund grant may be used for conducting or commissioning evaluations, studies, or investigations approved by the board to obtain or maintain a pesticide registration for a minor crop, minor use, or other use in North Dakota. These evaluations, studies, activities, or investigations may be conducted by North Dakota state university or may be secured by the board from other qualified laboratories, researchers, or contractors by written contract.

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**107-02-02-03. Procedure for minor use pesticide fund grant requests.**

Applicants may obtain a minor use pesticide fund application form by contacting the board at the address listed in subsection 4 of section 107-01-01-01. Applicants must deliver or mail two copies of the application and any attachments to the board at the address listed in subsection 4 of section 107-01-01-01. Applicants are required to include the following in their proposals:

1. Application coversheet, including names and addresses of the applicant organization, principal contact, project title, specific funding request, and total project budget.
2. Executive summary, limited to two pages, summarizing the essential elements of the proposal and funding request.
3. Project narrative, including when applicable:
  - a. A description of the intended research results;
  - b. A description of the research methodology to be employed, including objectives, tasks, research site, and a detailed schedule of planned activities and a time frame for completion.
  - c. A summary of prior research done by the applicant or others and the development of new uses to date;
  - d. An explanation of the estimated project benefit to one or more North Dakota agricultural sectors, such as increased markets, new uses, or expansion of existing uses;
  - e. A list of project cosponsors, including the name of the organization, address, telephone, key contact, and nature and extent of participation;
  - f. A list of principal investigators and other members of the research team, including their respective expertise and responsibilities under the project. Resumes of all principal investigators, limited to two pages, must be attached;
  - g. A review of existing research directly related to the funding request;
  - h. The current economic impact of the pest problem on the agricultural commodity;
  - i. The affected acres in North Dakota;
  - j. The effect of the pest problem on the environment, nontarget species, and human health;

- k. A description of why current control measures are not effective; and
  - l. Any additional information, which the applicant deems relevant.
4. The pesticide registrant's written confirmation supporting the additional minor crop, minor use, or other use to the pesticide registrant's label, including any restrictions or guidelines the pesticide registrant intends to impose. The applicant should also include a contact name, address, and telephone number for the pesticide registrant.
  5. For any pesticide residue study, the applicant must receive verification from the United States environmental protection agency that a tolerance can be established for the new use of that pesticide.
  6. Project budget. Attach a detailed project budget, including the following categories:
    - a. Salaries, wages, and fringe benefits.
    - b. Equipment.
    - c. Materials and supplies.
    - d. Travel.
    - e. Publication costs.
    - f. Computer costs.
    - g. All other direct and indirect costs.
  7. List and describe funding sources, including a breakdown of estimated expenditures by each funding source:
    - a. Minor use pesticide fund.
    - b. Private funds.
    - c. Federal funds.
    - d. Other matching funds, identified by individual source.
  8. Attach letters of commitment for matching funds to be provided contingent upon approval of this grant. Promotional materials or materials not directly related to the proposals are discouraged.

**History:** Effective August 1, 2002.

**General Authority:** NDCC 4-35-30

**Law Implemented:** NDCC 4-35-06.3

#### **107-02-02-04. Evaluation and selection criteria.**

Proposals will be evaluated upon a basis of one hundred possible points, according to the following criteria:

1. **Relevance to areas of emphasis.** Preference will be given to those proposals that rank high in importance to the state agricultural economy, to human health, and to the environment. Up to thirty points may be awarded on this criterion.

2. **Overall merit and quality of proposal.** The board will review each proposal for technical and commercial merit and the relative competence and technical qualifications of project principals. Up to twenty-five points may be awarded on this criterion.
3. **Feasibility of completing project objectives within stated time frames.** Preference will be given to proposals demonstrating a high probability of securing a pesticide registration, amended registration, reregistration, or exemption. Up to fifteen points may be awarded on this criterion.
4. **Appropriateness of requested budget.** Priority will be given to those proposals that have a well-documented budget that is adequate and appropriate for the research. Up to fifteen points may be awarded on this criterion.
5. **Matching funds.** Priority will be given to those proposals that demonstrate a shared commitment for funding from other private or public sources or from the applicant. Matching funds may be in the form of cash or in-kind services, or both. Disbursement of funds will be contingent upon evidence that matching funds have been allocated to the proposal. Up to fifteen points may be awarded on this criterion.

**History:** Effective August 1, 2002.

**General Authority:** NDCC 4-35-30

**Law Implemented:** NDCC 4-35-06.3

#### **107-02-02-05. Supplemental program information.**

1. **Funding level.** Proposals are not limited to a specific dollar amount but the board's legislative appropriations are finite. The board reserves the right to increase or decrease the award based on its findings and on its level of available funds.
2. **Funding period.** Proposals may be submitted at any time. Reviews and grant awards will be made on a quarterly basis. proposals requiring up to two years of funding may be submitted, but the second year of funding is contingent upon availability of board funds and the applicant's satisfactory progress toward meeting project objectives.
3. **Funding limitations.** Applicants may not use minor use pesticide fund grants to pay for indirect costs, overhead costs, or equipment. If an equipment purchase is a necessary component of a project, other funds must be used to purchase the equipment.
4. **Eligibility of applicants.** An individual, company, or organization may request a minor use pesticide fund grant on behalf of a particular user community. Requests will not be accepted from pesticide manufacturers, dealers, or distributors. Qualified universities, the United States department of agriculture, or private researchers or laboratories may carry out funded projects.
5. **Good laboratory practice standards.** Any funded project involving pesticide residue data generation must allow acceptable scientific practices in accordance with 40 CFR, part 160, regarding good laboratory practice standards. Such funded projects include research towards:
  - a. An application for registration, amended registration, or reregistration of a pesticide product under FIFRA sections 3, 4, or 24(c) [7 U.S.C. 136a, 136a-1, or 136v].
  - b. An application for an experimental use permit under FIFRA section 5 [7 U.S.C. 136c].
  - c. An application for an exemption under FIFRA section 18 [7 U.S.C. 136p].
  - d. A petition or other request for establishment or modification of a tolerance, for an exemption for the need for a tolerance, or for other clearance under FFDCA section 408.

- e. A petition or other request for establishment or modification of a food additive regulation or other clearance by the United States environmental protection agency under FFDCA section 409.
- f. A submission of data in response to a notice issued by the United States environmental protection agency under FIFRA section 3(c)(2)(B).
- g. Any other application, petition, or submission sent to the United States environmental protection agency intended to persuade it to grant, modify, or leave unmodified a registration or other approval required as a condition of sale or distribution of a pesticide.

6. **Research protocols.** [Reserved]

**History:** Effective August 1, 2002.

**General Authority:** NDCC 4-35-30

**Law Implemented:** NDCC 4-35-06.3; 40 CFR Part 160