

SENATE BILL NO. 2081

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to create and enact a new section to chapter 19-18 of the North Dakota
2 Century Code, relating to experimental use permits; to amend and reenact section 4-35-06 of
3 the North Dakota Century Code, relating to restricted use pesticides; and to repeal section
4 4-35-07 of the North Dakota Century Code, relating to experimental use permits.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 19-18 of the North Dakota Century Code is
7 created and enacted as follows:

8 **Experimental use permits.** Provided the state is authorized by the administrator of the
9 environmental protection agency to issue experimental use permits, the commissioner may:

- 10 1. Issue an experimental use permit to a person applying for a permit if the
11 commissioner determines that the applicant requires the permit to accumulate
12 information necessary to register a pesticide use. An application for an
13 experimental use permit may be filed at the time of or before or after an application
14 for registration is filed.
- 15 2. Prescribe terms, conditions, and the period of time for use under the experimental
16 use permit.
- 17 3. Revoke an experimental use permit, at any time, if the commissioner finds that its
18 terms or conditions are being violated or that its term and conditions are
19 inadequate to avoid unreasonable adverse effects to human health or the
20 environment.

21 **SECTION 2. AMENDMENT.** Section 4-35-06 of the North Dakota Century Code is
22 amended and reenacted as follows:

23 **4-35-06. Pesticide control board to administer chapter and adopt regulations.**

- 1 1. a. The pesticide control board shall administer this chapter and may adopt rules
2 in accordance with chapter 28-32 to implement this chapter. The rules may
3 prescribe methods to be used in the application of pesticides. The rules may
4 relate to the time, place, manner, methods, materials, and amounts and
5 concentrations, in connection with the application of the pesticide, and may
6 restrict or prohibit use of pesticides in designated areas during specified
7 periods of time and shall encompass all reasonable factors which the board
8 deems necessary to prevent damage or injury by drift or misapplication to:
- 9 (1) Plants, including forage plants, on adjacent or nearby lands.
10 (2) Wildlife in the adjoining or nearby areas.
11 (3) Fish and other aquatic life in waters in proximity to the area to be
12 treated.
13 (4) Persons, animals, or beneficial insects.
- 14 b. In adopting rules, the board shall give consideration to pertinent research
15 findings and recommendations of other agencies of this state, the federal
16 government, or other reliable sources.
- 17 2. ~~For the purpose of uniformity, the board may adopt restricted use classifications as~~
18 ~~determined by the federal environmental protection agency. The board may also~~
19 ~~by rule determine state restricted use pesticides for the state or designated areas~~
20 ~~within the state.~~
- 21 ~~3.~~ The board, in adopting rules under this chapter, shall prescribe standards and
22 requirements for the certification of applicators of pesticides. These standards and
23 requirements must relate to the use and handling of pesticides. In determining
24 these standards and requirements, the board shall take into consideration
25 standards and requirements prescribed by the environmental protection agency.
- 26 4. 3. Rules adopted under this chapter may not permit any pesticide use which is
27 prohibited by the Federal Insecticide, Fungicide, and Rodenticide Act or regulations
28 or orders issued thereunder.
- 29 ~~5.~~ 4. In order to comply with section 4 of the Federal Insecticide, Fungicide, and
30 Rodenticide Act, the board may make such reports to the United States

1 environmental protection agency in such form and containing such information as
2 that agency may from time to time require.

3 ~~6-~~ 5. Rules to implement this chapter may provide for:

- 4 a. The collection, examination, and reporting of samples of pesticides.
5 b. The safe handling, transportation, storage, display, distribution, and disposal
6 of pesticides and their containers.
7 c. The identification of pests under this chapter when the board finds particular
8 organisms to be annoying or otherwise injurious or harmful to agriculture,
9 health, and the environment.

10 **SECTION 3. REPEAL.** Section 4-35-07 of the North Dakota Century Code is repealed.