

CHAPTER 18B

PESTICIDE CONTROL

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18B.01 DEFINITIONS.

[For text of subds 1 to 10, see M.S.1990]

Subd. 10a. **Genetic engineering.** "Genetic engineering" means the modification of the genetic composition of an organism using molecular techniques. This does not include selective breeding, hybridization, or nondirected mutagenesis.

Subd. 10b. **Genetically engineered pesticide.** "Genetically engineered pesticide" means an organism that has been modified through the use of genetic engineering, intended to prevent, destroy, repel, or mitigate a pest, and an organism that has been modified through the use of genetic engineering, intended for use as a plant regulator, defoliant, or desiccant.

[For text of subds 11 to 15, see M.S.1990]

Subd. 15a. **Organism.** "Organism" means an animal, plant, bacterium, cyanobacterium, fungus, protist, or virus.

[For text of subds 15b to 22, see M.S.1990]

Subd. 22a. **Release.** "Release" means the placement or use of a genetically engineered organism outside a contained laboratory, greenhouse, building, structure, or other similar facility or under other conditions not specifically determined by the commissioner to be adequately contained.

[For text of subds 23 to 32, see M.S.1990]

History: 1991 c 250 s 6-9

18B.05 PESTICIDE REGULATORY ACCOUNT.

Subdivision 1. **Establishment.** A pesticide regulatory account is established in the state treasury. Fees and penalties collected under this chapter must be deposited in the state treasury and credited to the pesticide regulatory account.

[For text of subd 2, see M.S.1990]

History: 1991 c 199 art 2 s 4

18B.26 PESTICIDE REGISTRATION.

Subdivision 1. **Requirement.** (a) A person may not use or distribute a pesticide in this state unless it is registered with the commissioner. Aquaculture therapeutics shall be registered and labeled in the same manner as pesticides. Pesticide registrations expire on December 31 of each year and may be renewed on or before that date for the following calendar year.

(b) Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at the plant or warehouse as an ingredient in the formulation of a pesticide that is registered under this chapter.

(c) An unregistered pesticide that was previously registered with the commissioner may be used only with the written permission of the commissioner.

(d) Each pesticide with a unique United States Environmental Protection Agency

pesticide registration number or a unique brand name must be registered with the commissioner.

[For text of subs 2 to 6, see M.S.1990]

History: 1991 c 309 s 11

18B.285 EXPERIMENTAL GENETICALLY ENGINEERED PESTICIDE PRODUCT REGISTRATION.

Subdivision 1. Requirement. (a) A person may not use, distribute, or conduct release experiments with a genetically engineered pesticide in any amount in the state until it is registered under this section or section 18B.26. Use, distribution, or release of a genetically engineered pesticide must be registered under this section until the commissioner determines by rule or order that the genetically engineered pesticide may be subject to section 18B.26. Experimental genetically engineered pesticide product registrations expire on December 31 of each year and may be renewed on or before that date.

(b) After reviewing a completed application, the commissioner may issue an experimental genetically engineered pesticide product registration if the commissioner determines that the applicant has adequately demonstrated that the proposed release does not have the potential for unreasonable adverse effects on the environment. The commissioner may prescribe terms and conditions, including, but not limited to, the period for the experimental genetically engineered pesticide product registration, the amount or number of genetically engineered pesticide product to be used, monitoring activities, department inspection schedules, reporting of experiment results, and experiment termination procedures. A person may not violate terms or conditions of a registration issued under this section. After an experimental genetically engineered pesticide product registration is issued, the commissioner may revoke or change the registration at any time if the commissioner finds that its terms or conditions are being violated or are inadequate to avoid unreasonable adverse effects on the environment.

(c) The commissioner may deny issuance of an experimental genetically engineered pesticide product registration if the commissioner determines that the use to be made of the pesticide under the proposed terms and conditions may cause unreasonable adverse effects on the environment.

Subd. 2. Application. A person must file an application for experimental genetically engineered pesticide product registration with the commissioner. An application to register an experimental genetically engineered pesticide product must include:

- (1) the name and address of the applicant;
- (2) any United States Environmental Protection Agency regulatory application or approval document required under federal law or rule;
- (3) the purpose or objectives of the product;
- (4) an experimental genetically engineered pesticide product use label;
- (5) the name, address, and telephone number of cooperators or participants in this state;
- (6) the amount of material to be shipped or used in this state; and
- (7) other information requested by the commissioner.

Subd. 3. Application fee. An application for registration of an experimental genetically engineered pesticide product must be accompanied by a nonrefundable application fee of \$125.

History: 1991 c 250 s 10