

NO FISCAL IMPACT

Drafting Number: LLS 10-0594**Date:** January 22, 2010**Prime Sponsor(s):** Sen. Whitehead
Rep. Looper**Bill Status:** Senate Agriculture**Fiscal Analyst:** Clare Pramuk (303-866-2677)

TITLE: CONCERNING THE ADMINISTRATION OF LAWS REGULATING PESTICIDES, AND, IN CONNECTION THEREWITH, AMENDING THE "PESTICIDE ACT" TO AUTHORIZE THE COMMISSIONER OF THE DEPARTMENT OF AGRICULTURE TO INSPECT REFILLERS, IMPOSE RESIDUE REMOVAL AND RECORD-KEEPING REQUIREMENTS, AND SET EXPIRATION DATES FOR PESTICIDE AND DEVICE REGISTRATIONS BY RULE.

Summary of Legislation

This bill updates the Pesticide Act to conform with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The key provision of the bill authorizes the Department of Agriculture to regulate pesticide refillers, people who transfer pesticides into reusable containers. Refillers are required keep records and comply with refillable container residue removal requirements established by the Commissioner of Agriculture by rule. The commissioner may exempt certain pesticides from registration requirements and set the pesticide registration date. The bill is effective July 1, 2010.

Background

The department has primary regulatory authority to certify pesticide applicators and enforce pesticide use. According to new requirements under the FIFRA, the department is required to oversee new Environmental Protection Agency (EPA) pesticide residue removal requirements in order to maintain its regulatory authority. If it does not, primary pesticide regulatory authority could return to the EPA. During FY 2008-09, the department spent \$2,017,909 from the Pesticide Cash Fund and \$440,991 of EPA federal funds for pesticide regulation.

Assessment

The bill is assessed at no fiscal impact. Because many of the state's estimated 108 pesticide refillers are already regulated and inspected by the department as pesticide dealers, the increased time for record reviews is expected to be minimal. Rulemaking by the commissioner will be incorporated into the annual maintenance rulemaking in the department. Implementation of SB10-034 is not expected to change state revenue or expenditures.

Departments Contacted

Agriculture