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CLASSIFY RESTRICTED USE PESTICIDES

House Bills 5959 and 5960
Sponsor: Rep. William Callahan
Committee: Conservation and Outdoor
Recreation

Complete to 5-14-02

A SUMMARY OF HOUSE BILL 5959 AS INTRODUCED 4-25-02

The bills would amend the Natural Resources and Environmental Protection Act (NREPA)(MCL 324.8322) and the Public Health Code (MCL 333.12562), respectively, to allow the director of the Department of Agriculture to classify pesticides used for aquatic nuisance control as restricted use pesticides; to require that the control work for these pesticides be performed by a licensed applicator; and to delete the fee currently required for certain permits. The bills are tie-barred to each other.

Currently, Part 83 of the NREPA, which regulates pesticide control, specifies that the director of the Department of Agriculture may classify a pesticide as a restricted use pesticide, by administrative order, and in accordance with federal rules. House Bill 5959 would amend this provision to add that the director could also, by administrative order, classify as a restricted use pesticide one that was used for aquatic nuisance control, as regulated under Article 12 of the Public Health Code. The bill would also clarify the current provision in the NERPA allowing the director to determine the toxicity of pesticides to humans, to specify that the director could use as a guide in this determination the data in support of the registration of the pesticide and its classification as a general or restricted use pesticide.

Under Article 12 of the Public Health Code, concerning environmental health, the application of necessary chemicals to state waters for the control of aquatic nuisances, such as swimmers' itch and aquatic plants, is considered lawful and may be conducted by the state or a political subdivision, by an organized lake or improvement association on behalf of its members, by the owner of abutting property, or by a licensed aquatic pest control applicator who has obtained a permit from the DEQ. House Bill 5960 would amend the act to specify, instead, that the control work could be *undertaken* by the state or a political subdivision of the state, by an organized lake or improvement association, or by the owner of abutting property. However, under the bill, the control work would have to be *conducted* by a licensed pest control applicator who had a permit.

House Bill 5960 would also specify that a fee would not be required for a permit for either of the following:

- Control work performed for the owner or owners of a single property treating waters abutting their property where the treatment area was less than one-half acre.
- Control work performed for the owner or owners of a water body in single ownership.

Analyst: R. Young

■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.