

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-1-13-.04

Rule Title: Registrations.

 New; x Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? yes

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John McCallister

Date: 8-17-2012

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
ANIMAL INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-1-13-.04 Registrations

Intended Action: To amend rule.

Substance of Proposed Action: Proposed rule will implement the newly enacted registration and fees for 2013.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 13, 2012 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: November 13, 2012.

Contact Person at Agency: Patrick B. Moody, Legal Counsel and, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334)240-7117.

8-17-2012
Date

John McMillan
John McMillan
Commissioner of Agriculture
and Industries

80-1-13-.04 Registrations

(1) Every pesticide or device which is distributed, sold, offered for sale, delivered, or transported within this state shall be registered with the Alabama Department of Agriculture and Industries in accordance with registration and registration requirements of Code of Ala. 1975, §2-27-9 as follows:

(a) ~~Beginning on January 1, 2012, the~~ biennial registration fee for a pesticide or device shall ~~be four hundred dollars (\$400)~~ not exceed six hundred dollars (\$600). The fee structure shall be paid according to the following schedule:

(1) All registrations issued to registrants whose names begin with the letters A through M shall expire on December 31, ~~2011~~ 2013. Upon expiration of registration on December 31, ~~2011~~ 2013, a registrant whose name begins with letters A through M may renew a registration for a period of two years upon payment of a fee of ~~four~~ five hundred dollars (~~\$400~~ \$500) per product. The registration shall be valid until December 31, ~~2013~~ 2015, ~~and may be renewed~~ The registrant may renew every two years thereafter upon payment of the fee of six hundred dollars (\$600).

2. All registrations issued to registrants whose names begin with the letters N through Z shall expire on December 31, ~~2011~~ 2012. Upon expiration of the registration on December 31, ~~2011~~ 2012, a registrant whose name begins with letters N through Z may renew a registration for a period of ~~one~~ two years upon payment of a fee of ~~two~~ five hundred dollars (~~\$200~~ \$500) per product. The registration shall be valid until December 31, ~~2012~~ 2014. After December 31, ~~2012~~ 2014, the registrant may renew a registration for a period of two years upon payment of a fee of ~~four~~ six hundred dollars (~~\$400~~ \$600) per product.

3. Registrants whose names begin with a numeric character shall follow the schedule for the first letter of the alphabetic spelling of said numeric character.

4. All registrations issued by the department to a registrant who is applying to register an additional pesticide during the second year of the registrant's registration period shall expire December 31 of that year.

5. An application for registration shall be accompanied by a fee of ~~four~~ six hundred dollars (~~\$400~~ \$600) for each pesticide

except as provided in ~~subdivisions (1) and (2) above~~ 80-1-13-.04(1)(a)1 and 80-1-13-.04(1)(a)2 above."

(b) Registrations fees not paid by March 1, or within 60 days following its due date will pay a delinquency penalty of one hundred fifty dollars (\$150) per product in addition to the required registration fee.

(2) Pesticides sold, offered for sale, or distributed in the state under a federal and state experimental pesticide label must be labeled **For experimental use only**. Such label must be affixed to the container so as to be conspicuous, and easily read under normal conditions and circumstances. Persons selling, distributing, or otherwise supplying pesticides to users for experimental purposes and provide the Commissioner of Agriculture and Industries with the following information:

- (a) Quantity of the pesticide to be used in the state.
- (b) The chemical and common name of the pesticide.
- (c) The established tolerance levels for the pesticide as determined by the federal government where required.
- (d) Company personnel responsible for the experiment.

(3) After the conclusion of the experiment, experimental information gathered during the experiment shall be supplied the Commissioner, which will justify the manufacturer's contention that the pesticides were for experimental purposes under actual commercial use conditions.

Authors: Charles H. Barnes, John P. Hagood, Robert J. Russell, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-27-8, 2-27-9, 2-27-57.

History: Filed April 19, 1982. **Amended:** Filed August 16, 2004; effective September 20, 2004. **Amended:** Filed August 18, 2006; effective September 22, 2006. **Amended:** Filed November 14, 2011; effective December 19, 2011. **Amended:**