

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/9/01 H3/15/01

A Bill

Act 1130 of 2001
SENATE BILL 608

5 By: Senator Hill
6 By: *Representatives Teague, French*
7

For An Act To Be Entitled

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9
10 AN ACT TO AMEND ARKANSAS CODE 8-7-1202, 8-7-1203,
11 8-7-1204, 8-7-1205, AND 8-7-1206 TO FURTHER
12 DEFINE THE GOAL OF THE ABANDONED AGRICULTURAL
13 PESTICIDE DISPOSAL PROGRAM; TO CHANGE THE NAME OF
14 THE AGRICULTURAL PESTICIDE DISPOSAL ADVISORY
15 BOARD; TO ADD A MEMBER TO THE BOARD; TO ADDRESS
16 THE FUNDING SOURCES FOR THE PROGRAM; AND FOR
17 OTHER PURPOSES.

Subtitle

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21 AN ACT TO AMEND THE ABANDONED
22 AGRICULTURAL PESTICIDE DISPOSAL ACT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code 8-7-1202 is amended to read as follows:
28 8-7-1202. Purpose.

29 It is the purpose of this subchapter to protect the citizens of the
30 state and the environment by providing for the safe and proper disposal of
31 abandoned ~~agricultural~~ pesticides used in agriculture and for other uses.
32 Furthermore, it is the purpose of this subchapter to create an Abandoned
33 ~~Agricultural~~ Pesticide Advisory Board to review and approve proposed
34 ~~agricultural~~ pesticide disposal projects, select contractors to dispose of
35 abandoned ~~agricultural~~ pesticides used in agriculture and for other uses, and
36 approve payments from the Abandoned Agricultural Pesticide and Plant

1 Regulator Disposal Trust Fund.

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3 SECTION 2. Arkansas Code 8-7-1203 is amended to read as follows:

4 8-7-1203. Definitions.

5 As used in this subchapter, unless the context otherwise requires:

6 (1) "Abandoned" means chemicals which are no longer used and for
7 which there is no planned use;

8 (2) "Advisory board" means the Abandoned ~~Agricultural~~ Pesticide
9 Advisory Board;

10 ~~(3) "Agricultural pesticide" means any substance or mixture of~~
11 ~~substances intended for prevention, destroying, repelling, or mitigating any~~
12 ~~pests or any substance or mixture of substances intended for use as a plant~~
13 ~~regulator, defoliant, or desiccant, and any substance or mixture of~~
14 ~~substances intended to be used as a spray adjuvant;~~

15 ~~(4)~~(3) "Contractor" means a person who provides services for a
16 fee involving the disposal of abandoned ~~agricultural~~ pesticides;

17 ~~(5)~~(4) "Fund" means the Abandoned Agricultural Pesticide and
18 Plant Regulator Disposal Trust Fund; ~~and~~

19 ~~(6)~~(5) (A) "Plant regulator" means any substance or mixture of
20 substances intended through physiological action to accelerate or retard the
21 rate of growth of maturation or to otherwise alter the behavior of plants or
22 the produce thereof.

23 (B) The term shall not include substances to the extent
24 that they are intended as plant nutrients, trace elements, nutritional
25 chemicals, plant inoculates, or soil amendments; and

26 (6) "Pesticide" means any substance or mixture of substances
27 intended for prevention, destroying, repelling, or mitigating any pests or
28 any substance or mixture of substances intended for use as a plant regulator,
29 defoliant, or desiccant, and any substance or mixture of substances intended
30 to be used as a spray adjuvant and for other uses.

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32 SECTION 3. Arkansas Code 8-7-1204 is amended to read as follows:

33 8-7-1204. Abandoned ~~Agricultural~~ Pesticide Advisory Board.

34 (a) There is hereby created and established an Abandoned ~~Agricultural~~
35 Pesticide Advisory Board.

36 (b) The board shall be composed of up to ~~five (5)~~ six (6) members:

1 (1) One (1) member shall be a representative from the Arkansas
2 Farm Bureau Federation, Inc.;

3 (2) One (1) member shall be a representative from the Arkansas
4 Soil and Water Conservation Commission;

5 (3) One (1) member shall be a representative from the University
6 of Arkansas Cooperative Extension Service;

7 (4) One (1) member shall be a representative from the Arkansas
8 Department of Environmental Quality; ~~and~~

9 (5) One (1) member may be a representative from the Natural
10 Resources Conservation Service; and

11 (6) One (1) member shall be a representative from the State Plant
12 Board, who shall serve as the board's chairperson.

13 (c) Members of the board shall serve without compensation.
14

15 SECTION 4. Arkansas Code 8-7-1205 is amended to read as follows:
16 8-7-1205. Powers and duties of the advisory board.

17 The Abandoned ~~Agricultural~~ Pesticide Advisory Board shall have the
18 following powers and duties:

19 (1) To identify any abandoned ~~agricultural~~ pesticides which
20 shall be excluded from the collection and disposal program;

21 (2) To advise and make recommendations to the State Plant Board
22 regarding projects for collecting and disposing of abandoned ~~agricultural~~
23 pesticides;

24 (3) To advise and make recommendations to the State Plant Board
25 on the issuance of requests for proposals from contractors;

26 (4) To review and evaluate proposals for the collection and
27 disposal of abandoned ~~agricultural~~ pesticides;

28 (5) To select proposals for the collection and disposal of
29 abandoned ~~agricultural~~ pesticides to be implemented; and

30 (6) To approve payments from the Abandoned Agricultural
31 Pesticide and Plant Regulator Disposal Trust Fund for collection and disposal
32 projects.
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34 SECTION 5. Arkansas Code 8-7-1206 is amended to read as follows:
35 8-7-1206. Abandoned ~~agricultural~~ pesticide disposal.

36 (a) (1) Moneys received into the Abandoned Agricultural Pesticide and

1 Plant Regulator Disposal Trust Fund shall be from gifts, grants, or funds
2 from entities other than the Plant Board and from a fee of fifty dollars
3 (\$50.00) per registered pesticide per registrant per year levied by the Plant
4 Board for the specific purpose of funding the disposal of abandoned
5 pesticides.

6 (2) This fee shall be known as the Abandoned Pesticide Disposal
7 Fee and shall not be a part of the pesticide registration fee collected
8 pursuant to § 2-16-407(f).

9 (3) The Abandoned Pesticide Disposal fee shall not apply to
10 products classified as:

11 (A) "Sanitizers and disinfectants" by the board;

12 (B) Aerosol products which are not labeled for
13 agricultural use;

14 (C) Insect repellants which are labeled for use on the
15 human body or clothing;

16 (D) Silica gels and other nonvolatile read-to-use paste,
17 foam or gel formulations of insecticidal baits;

18 (E) Nonvolatile insecticidal baits in tamper resistant
19 bait stations;

20 (F) Insecticidal flea and tick collars and spot-on flea
21 treatments for dogs and cats; or

22 (G) Insecticidal cattle ear tags.

23 (4) Collection of the fee shall be discontinued upon completion
24 of the abandoned pesticide collection program.

25 (5) Moneys received into the fund shall be utilized by the State
26 Plant Board, as authorized by the Abandoned Agricultural Pesticide Advisory
27 Board, to pay for projects and other activities relating to the collection
28 and disposal of abandoned ~~agricultural~~ pesticides and for administrative
29 support.

30 (6) The total allocation of funds for administrative support
31 shall not exceed two hundred fifty thousand dollars (\$250,000) per biennium.

32 (b)(1) The State Plant Board shall administer the program relating to
33 the collection and disposal of abandoned ~~agricultural~~ pesticides, as
34 authorized by the Abandoned ~~Agricultural~~ Pesticide Advisory Board.

35 (2) The duties of the State Plant Board shall include:

36 (A) Developing and issuing requests for proposals from

1 contractors to collect and dispose of abandoned ~~agricultural~~ pesticides;

2 (B) Contracting for the collection and disposal of
3 abandoned ~~agricultural~~ pesticides; and

4 (C) Paying contractors for services relating to the
5 collection and disposal of abandoned ~~agricultural~~ pesticides.

6
7 /s/ Hill, et al.

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10 APPROVED: 3/28/2001
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