

**217.580 Authority of department.**

- (1) The department may, after due notice and an opportunity for a hearing:
  - (a) Declare as a pest any form of plant or animal life or virus, except virus, bacteria, or other micro-organisms on or in living man or other living animals, which is injurious to plants, animals, or the environment;
  - (b) Determine whether pesticides registered under the authority of Section 24(c) of FIFRA are highly toxic to man. The definition of highly toxic, as defined in Title 40, Code of Federal Regulations 162.8 as issued or hereafter amended, shall govern the department in this determination;
  - (c) Determine standards of coloring or discoloring for pesticides and to subject pesticides to the requirements for coloration or discoloration if the department determines such requirements are necessary for the protection of health and the environment;
  - (d) Determine pesticides, and quantities of substances contained in pesticides, which are injurious to the environment and shall be guided by EPA regulations in this determination.
- (2) The department may:
  - (a) Effect the collection and examination of samples of pesticides and devices to determine compliance with the requirements of KRS 217.542 to 217.630, and may at all reasonable hours enter any car, warehouse, store, building, boat, vessel or other place supposed to contain pesticides or devices for the purpose of inspection or sampling and to procure samples for analysis or examination from any lot, package or parcel of pesticides or device;
  - (b) Publish from time to time, in such form as it may deem proper, reports of the results of the analyses of official samples of pesticides distributed within the state;
  - (c) After a public hearing, make appropriate regulations relating to the sale and distribution of pesticides as may be necessary for carrying out the meaning of KRS 217.542 to 217.630, including but not limited to:
    1. The safe handling, transportation, storage, display, distribution and disposal of pesticides and their containers;
    2. Labeling requirements of all pesticides required to be registered under KRS 217.542 to 217.630; provided, that such regulations shall not impose any requirements for federally registered labels in addition to or different from those required pursuant to FIFRA; and
    3. Specify classes of devices which shall be subject to the provisions of KRS 217.542 to 217.630.
  - (d) Cooperate with, and enter into agreements with, any other agency of this state, the United States Environmental Protection Agency, and any other state or agency thereof for the purpose of carrying out the provisions of KRS 217.542 to 217.630.
- (3) For the purpose of uniformity of requirements between states and the federal

government the department may, after a public hearing, adopt regulations in conformity with the primary pesticide standards, particularly as to the labeling, registration requirements and "restricted use pesticides" as established by EPA or other federal or state agencies.

**Effective:** July 15, 1980

**History:** Amended 1980 Ky. Acts ch. 295, sec. 55, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 200, sec. 9. -- Created 1956 Ky. Acts ch. 218, sec. 6, effective July 1, 1956.