

**217.572 Registration refusal, cancellation, suspension, and legal recourse -- Appeal of order -- Notice to EPA.**

- (1) Upon certification pursuant to Section 24(c) of FIFRA by the administrator of EPA to register pesticides formulated to meet special local needs, the department shall consider the following for refusal to register, for cancellation, for suspension and for legal recourse for applicable pesticides:
  - (a) If it does not appear to the department that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of KRS 217.542 to 217.630 or administrative regulations promulgated thereunder, the department shall notify the applicant of the manner in which the pesticide, labeling, or other material required to be submitted fails to comply with the provisions of KRS 217.542 to 217.630 so as to afford the applicant an opportunity to make the necessary corrections. If, upon receipt of this notice, the applicant does not make the required changes, the department may refuse to register the pesticide.
  - (b) When the department determines that a pesticide or its labeling does not comply with the provisions of KRS 217.542 to 217.630 or the administrative regulations promulgated thereunder, the registration of a pesticide may be cancelled after a hearing that shall be conducted in accordance with KRS Chapter 13B.
  - (c) When the department determines that there is an imminent hazard, it may suspend the registration of a pesticide by issuing an emergency order pursuant to KRS 13B.125.
  - (d) Any person who will be adversely affected by a final order or emergency order issued under this section may obtain judicial review by filing a petition in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (2) If the department determines that the federally-registered pesticide with respect to the use of a pesticide subject to this section within this state does not warrant the proposed claims for it, or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of FIFRA or the regulations promulgated thereunder, EPA shall be notified of the manner in which the pesticide, labeling, or other material required to be submitted fail to comply with the provisions of FIFRA and suggest necessary corrections.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 318, sec. 124, effective July 15, 1996. -- Amended 1980 Ky. Acts ch. 295, sec. 53, effective July 15, 1980. -- Created 1974 Ky. Acts ch. 200, sec. 7.