

opportunity to make the necessary corrections. If upon receipt of such notice, the applicant insists that such corrections are not necessary and requests in writing that the article be registered, the State Chemist shall register the article, under protest, and such registration shall be accompanied by a warning in writing to the registrant of the apparent failure of the article to comply with the provisions of this sub-title. In order to protect the public, the State Chemist, on his own motion, may at any time, cancel the registration of a pesticide and in lieu thereof, issue a registration under protest in accordance with the foregoing procedure. In no event shall registration of an article, whether or not protested, be construed as a defense for the commission of any offense prohibited under Section 136 of this sub-title.

(e) Notwithstanding any other provision of this sub-title, registration is not required in the case of a pesticide shipped from one plant within this State to another plant within this State operated by the same person.

138. Determinations; Rules and Regulations; Uniformity.

(a) The State Chemist is authorized, after opportunity for a hearing

(1) to declare as a pest any form of plant or animal life or virus which is injurious to plants, men, domestic animals, articles, or substances;

(2) to determine whether pesticides are highly toxic to man; and

(3) to determine standards of coloring or discoloring for pesticides, and to subject pesticides to the requirements of Section 136 (4) of this sub-title.

(b) The State Chemist is authorized, after due public hearing to make appropriate rules and regulations for carrying out the provisions of this sub-title, including rules and regulations providing for the collection and examination of samples of pesticides.

(c) In order to avoid confusion endangering the public health, resulting from diverse requirements, particularly as to the labeling and coloring of pesticides and to avoid increased costs to the people of this State due to the necessity of complying with such diverse requirements in the manufacture and sale of such ~~poisons~~ PESTICIDES, it is desirable that there should be uniformity between the requirements of the several States and the Federal Government relating to such ~~poisons~~ PESTICIDES. To this end the State Chemist is authorized, after due public hearing, to adopt by regulation such regulations, applicable to and in conformity with the primary standards established by this sub-title, as have been or may be prescribed in the United States Department of Agriculture with respect to pesticides.

139. Enforcement.

(a) The examination of pesticides shall be made under the direction of the State Chemist for the purpose of determining whether they comply with the requirements of this sub-title. If it shall appear from such examination that a pesticide fails to comply with the provisions of this sub-title, and the State Chemist contemplates instituting criminal proceedings against any person, the State Chemist