

to be submitted fail to comply with the subtitle so as to afford him an 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 subtitle. 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 131 of this subtitle.] *If upon receipt of such notice, the applicant does not make the corrections, the State Chemist may refuse to register the article. The State Chemist may suspend or cancel the registration of a pesticide whenever it does not appear that the article or its labeling complies with the provisions of the applicable law and regulations. Whenever an application for registration is refused or the State Chemist proposes to suspend or cancel a registration, notice of such proposed action shall be given to the applicant or registrant who may request a hearing within thirty days from the date such notice is received. The hearing shall be conducted by the Director of the State Board of Agriculture, or his designee, who shall thereafter prepare and serve upon the applicant a written statement containing findings of fact and an appropriate order.*

*Any person adversely affected by an order may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such decision. Such action shall be brought in the circuit court of the county in which the person resides or has his principal place of business, or in the Baltimore City Court. As part of its answer, the State Board of Agriculture shall file a certified copy of the transcript of the record on which the findings and order in question are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Director of the State Board of Agriculture, with or without remanding the cause for a rehearing. The findings of the Director of the State Board of Agriculture as to any fact, if supported by substantial evidence, shall be conclusive.*

*The court may, at any time, on good cause shown, order additional evidence to be taken before the Director of the State Board of Agriculture, and the Director shall, after the case is remanded, and after hearing additional evidence, modify or affirm his findings of fact and his order, and shall file with the Court any such additional and modified findings of fact, and a transcript of the additional record upon which his action in modifying or affirming was based. Such additional or modified findings of fact and order shall be reviewable only to the extent provided for review of the original findings of fact and order.*

(e) Notwithstanding any other provision of this subtitle, 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.