

133. 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 subject pesticides to the requirements of Section 131(4) of this subtitle.

(b) The State Chemist is authorized, after due public hearing to make appropriate rules and regulations for carrying out the provisions of this subtitle, 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 pesticides, it is desirable that there should be uniformity between the requirements of the several states and the Federal Government relating to such 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 subtitle, as have been or may be prescribed in the [United States Department of Agriculture] *appropriate agency or agencies of the United States Government* with respect to pesticides.

~~131~~ 134. 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 subtitle. If it shall appear from such examination that a pesticide fails to comply with the provisions of this subtitle, and the State Chemist contemplates instituting criminal proceedings against any person, the State Chemist shall cause appropriate notice to be given to such person. Any person so notified shall be given an opportunity to present his views, either orally or in writing, with regard to such contemplated proceedings and if thereafter in the opinion of the State Chemist it shall appear that the provisions of the subtitle have been violated by such person, then the State Chemist shall refer the facts to the proper prosecuting attorney for the county in which the violation shall have occurred with a copy of the results of the analysis or the examination of such article; provided, however, that nothing in this subtitle shall be construed as requiring the State Chemist to report for prosecution or for the institution of libel proceedings minor violation of the subtitle whenever he believes that the public interests will be best served by a suitable notice of warning in writing.

(b) It shall be the duty of the proper prosecuting attorney to whom any such violation is reported to cause appropriate proceedings to be instituted and prosecuted in the proper court without delay.