

(A) GENERAL RULE-MAKING AUTHORITY.

THE SECRETARY, AFTER PUBLIC HEARING, MAY ADOPT APPROPRIATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING RULES AND REGULATIONS PROVIDING FOR THE COLLECTION AND EXAMINATION OF SAMPLES OF PESTICIDES.

(B) DETERMINATION AFTER AFFORDING AN OPPORTUNITY FOR A HEARING.

THE SECRETARY MAY:

(1) DECLARE ANY FORM OF PLANT OR ANIMAL LIFE OR VIRUS WHICH IS INJURIOUS TO PLANTS, HUMANS, DOMESTIC ANIMALS, ARTICLES, OR SUBSTANCES TO BE A PEST;

(2) DETERMINE WHETHER ANY PESTICIDE IS HIGHLY TOXIC TO HUMANS;

(3) DETERMINE STANDARDS OF COLORING OR DISCOLORING FOR PESTICIDES; AND

(4) SUBJECT PESTICIDES TO THE REQUIREMENTS OF §5-105.

(C) ADOPTION OF RULES AND REGULATIONS OF FEDERAL AGENCIES.

UNIFORM PESTICIDE REQUIREMENTS BETWEEN THE SEVERAL STATES AND THE FEDERAL GOVERNMENT ARE DESIRABLE TO AVOID CONFUSION THAT ENDANGERS THE PUBLIC HEALTH AND THAT RESULTS FROM DIVERSE REQUIREMENTS, PARTICULARLY RELATING TO THE LABELING AND COLORING OF PESTICIDES, AND TO AVOID INCREASED COSTS TO THE PEOPLE OF THE STATE DUE TO THE NECESSITY OF COMPLYING WITH DIVERSE REQUIREMENTS FOR MANUFACTURING AND SELLING PESTICIDES. CONSEQUENTLY, THE SECRETARY, AFTER PUBLIC HEARING, MAY ADOPT THE RULES AND REGULATIONS OF THE APPROPRIATE AGENCY OF THE UNITED STATES GOVERNMENT RELATING TO PESTICIDES, IF THE RULES AND REGULATIONS ARE APPLICABLE TO AND CONFORM WITH THE PRIMARY STANDARDS ESTABLISHED BY THIS SUBTITLE.

REVISOR'S NOTE: Subsection (a) presently appears as Art. 48, §133(b) of the Code. The present reference to "State Chemist" is proposed for deletion and "department" is substituted for the reasons explained in the revisor's note