

REVISOR'S NOTE: This section presently appears as Art. 48, §132(d) of the Code. In subsections (a) and (b), the provisions that permit the department to refuse, suspend, or cancel registration for any pesticide that "does not appear" to warrant the claims made for it is proposed for deletion. These provisions are revised to permit the department to refuse, suspend or cancel registration for any pesticide the department determines does not comply with the statute. Present references to "the State Chemist" are proposed for deletion for the reasons set forth in the revisor's note to §5-102.

In subsection (b) new language, derived from §132(a), is added to permit the Secretary to cancel or suspend registration if "other material required to be submitted" does not comply with the subtitle.

In subsection (d) the present provision allowing a person 60 days in which to appeal is proposed for deletion and a 30 day period is substituted to maintain consistency with other provisions of this Article.

In subsection (e), the last sentence is revised to incorporate the guidelines governing the scope of judicial review.

The only other changes made are in style.

SEC. 5-108. REMOVAL FROM SALE OF ADULTERATED, MISBRANDED PESTICIDE.

THE SECRETARY, BY WRITTEN ORDER, MAY REMOVE FROM SALE ANY PESTICIDE WHICH IS ADULTERATED, MISBRANDED, OR BEARS DESIGNATION IDENTIFYING IT WITH A SIMILARLY IDENTIFIED PRODUCT WHICH IS KNOWN TO BE ADULTERATED OR MISBRANDED, OR HAS BEEN FOUND TO CONTAMINATE THE ENVIRONMENT BY FEDERAL OR STATE AUTHORITIES. A PERSON MAY NOT DISPOSE OF REMOVED MATERIAL IN ANY MANNER WITHOUT WRITTEN CONSENT OF THE SECRETARY, THE CIRCUIT COURT OF THE COUNTY IN WHICH THE PRODUCT IS FOUND, OR THE BALTIMORE CITY COURT, IF THE PESTICIDE IS FOUND IN BALTIMORE CITY.

REVISOR'S NOTE: This section presently appears as Art. 48, §134(d) of the Code. The present references to the "State Chemist" are