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FILED JAN 22 1990

SENATE FILE 2113  
BY COMMITTEE ON ENVIRONMENT  
AND ENERGY UTILITIES  
*approval of 1990*  
(SUCCESSOR TO LSB 7934SC)

Passed Senate, Date 3/7/90 (p. 934) Passed House, Date 3/23/90 (p. 1352)  
Vote: Ayes 42 Nays 0 Vote: Ayes 85 Nays 11  
Approved April 3, 1990

A BILL FOR

1 An Act relating to reporting ingredients of pesticides, making  
2 penalties applicable, and providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SE 2113

55941 Section 1. Section 206.12, subsection 2, paragraph c, Code  
2 1989, is amended by striking the paragraph and inserting in  
3 lieu thereof the following:

4 c. A statement of ingredients contained in the pesticide,  
5 including the accepted common name and percentage by weight of  
6 each active ingredient, the accepted common name of each inert  
7 ingredient, and the percentage of all inert ingredients within  
8 the pesticide. However, the registrant is not required to  
9 state the percentage composition of a single inert ingredient  
10 within a pesticide. Inert ingredients reported by the  
11 registrant are trade secrets and confidential records under  
12 section 22.7, if the registrant certifies that the ingredient  
13 is unique to the formulation of the pesticide.

14 The secretary shall report a list of inert ingredients  
15 contained in each pesticide registered under this section to  
16 the department of natural resources and the center for health  
17 effects of environmental contamination established pursuant to  
18 section 263.17. The secretary shall separately report  
19 information regarding the confidential inert ingredients. The  
20 separate report shall be transmitted only to the department of  
21 natural resources and the center for health effects of  
22 environmental contamination. The separate report shall  
23 provide notice of the confidentiality. The identity of  
24 ingredients contained in the separate report shall remain  
25 confidential records under section 22.7. However, this  
26 section does not prohibit research or monitoring, of any  
27 aspect of an ingredient, including a confidential inert  
28 ingredient. This section also does not prohibit the public  
29 disclosure of research or monitoring which does not identify a  
30 confidential inert ingredient as being contained in a specific  
31 pesticide.

32 Sec. 2. SPECIAL REPORTS.

33 A person registering a pesticide under section 206.12  
34 shall, by January 1, 1991, report to the department, pursuant  
35 to section 206.12, subsection 2, paragraph "c", information

1 relating to inert ingredients contained in pesticides  
2 distributed, sold, or offered for sale by the person during  
3 1985 and during each year after 1985. If the information is  
4 unavailable, the person must obtain a waiver from this  
5 requirement from the secretary. A person violating this  
6 section is subject to the penalty provided in section 206.22,  
7 subsection 2. A person who uses or reveals information  
8 relative to formulae of products acquired under the authority  
9 of this section is subject to the penalty provided in section  
10 206.22, subsection 3.

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## EXPLANATION

12 This bill provides that a person registering a pesticide  
13 under section 206.12 must report to the department of  
14 agriculture and land stewardship information relating to inert  
15 ingredients contained in the pesticide, including the common  
16 name of each inert ingredient and the percentage of all inert  
17 ingredients within the pesticide. Information certified by  
18 the registrant to be a trade secret is confidential. The bill  
19 provides that the department of agriculture and land  
20 stewardship shall report information relating to inert  
21 ingredients to the department of natural resources and the  
22 center for health effects of environmental contamination. The  
23 bill requires that confidential information transferred to the  
24 department of natural resources and the center remain  
25 confidential. The bill provides that confidentiality does not  
26 prohibit research or the disclosure of research. However,  
27 disclosure may not identify an ingredient as being part of a  
28 particular pesticide. The bill also provides that persons  
29 registering pesticides in 1990 must report the inert  
30 ingredient information for each pesticide distributed, sold,  
31 or offered for sale by the person since 1985. A person  
32 violating the bill's provisions is guilty of a serious  
33 misdemeanor.

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## SENATE FILE 2113

S-5354

Amend Senate File 2113 as follows:

1. Page 1, by striking lines 1 through 31, and inserting the following:  
"Section 1. Section 206.12, subsection 2, paragraph c, Code 1989, is amended to read as follows:  
c. An ingredient statement in which the accepted common name and percentage by weight of each active ingredient is listed as well as the percentage of inert ingredients in the pesticides. A separate inert ingredient statement containing the common name of each inert ingredient listed in rank order according to weight of each inert ingredient in the pesticide shall also be submitted to the secretary. Except as required by subsection 4, the registrant is not required to state the percentage composition or specific weight of any inert ingredient within a pesticide. The information required by this paragraph shall be submitted in a manner and according to procedures specified by the secretary.

Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.

The identity of a specific inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and three or fewer registrants are using a particular active ingredient in a registered pesticide. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as confidential. This section does not prohibit research or monitoring of any aspect of any inert ingredient. This section does not prohibit the public disclosure of research, monitoring, or data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state."

2. By renumbering as necessary.

By MICHAEL E. GRONSTAL

S-5354 FILED MARCH 6, 1990

*Adopted 3/7 (p. 933)*

SENATE FILE 2113

S-5088

1 Amend Senate File 2113 as follows:

2 1. By striking page 1, line 4, through page 2,  
3 line 10, and inserting the following:

4 "c. An ingredient statement in which the accepted  
5 common name and percentage by weight of each active  
6 ingredient is listed as well as the accepted common  
7 name and percentage of inert ingredients in the  
8 pesticides. When registering a pesticide containing  
9 an inert ingredient reportable as a toxic chemical  
10 pursuant to 40 C.F.R. Part 372, a hazardous material  
11 pursuant to 29 C.F.R. 1910.1200, or listed as an inert  
12 ingredient of toxicological concern by the United  
13 States environmental protection agency, the registrant  
14 shall separately list each, and provide information  
15 about the presence of each inert ingredient in  
16 formulations of the pesticide previously registered.  
17 The registrant shall provide the current and any  
18 previous material safety data sheet required by  
19 federal law or regulation relating to a pesticide  
20 containing an inert ingredient required to be  
21 separately listed under this section.

22 Sec. \_\_\_\_ . Section 206.12, subsection 2, paragraph  
23 d, Code 1989, is amended to read as follows:

24 d. A complete copy of the pesticide label and any  
25 other labeling accompanying the pesticide, and  
26 together with a statement of all claims made and-to-be  
27 made-for-it relating to the pesticide, including  
28 directions for use and the current federal material  
29 safety data sheet for the pesticides."

30 2. Title page, line 1, by striking the words  
31 "ingredients of pesticides, making" and inserting the  
32 following: "information relating to pesticides, and  
33 making".

34 3. Title page, line 2, by striking the words "  
35 and providing penalties".

By COMMITTEE ON AGRICULTURE  
BERL E. PRIEBE, Chairperson

S-5088 FILED FEBRUARY 13, 1990

*out of order 3/7 (p. 933)*

SENATE FILE 2113

S-5110

1 Amend Senate File 2113 as follows:

2 1. Page 1, line 6, by inserting before the word  
3 "the" the following: "and".

4 2. Page 1, by striking line 7 and inserting the  
5 following: "ingredient, listed in ranked order  
6 according to the percentage by weight of each inert  
7 ingredient within".

8 3. Page 1, line 8, by striking the words  
9 "However, the" and inserting the following: "The".

10 4. Page 1, line 9, by striking the words "a  
11 single" and inserting the following: "any".

By MICHAEL E. GRONSTAL

S-5110 FILED FEBRUARY 19, 1990

*out of order 3/7 (p. 933)*

## SENATE FILE 2113

S-5378

1 Amend Senate File 2113 as follows:

2 1. Page 1, by striking lines 1 through 31, and  
3 inserting the following:

4 "Section 1. Section 206.12, subsection 2,  
5 paragraph c, Code 1989, is amended to read as follows:  
6 c. An ingredient statement in which the accepted  
7 common name and percentage by weight of each active  
8 ingredient is listed as well as the percentage of  
9 inert ingredients in the pesticides. A separate inert  
10 ingredient statement containing the common name of  
11 each inert ingredient listed in rank order according  
12 to weight of each inert ingredient in the pesticide  
13 shall also be submitted to the secretary. Except as  
14 required by subsection 4, the registrant is not  
15 required to state the percentage composition or  
16 specific weight of any inert ingredient within a  
17 pesticide. The information required by this paragraph  
18 shall be submitted in a manner and according to  
19 procedures specified by the secretary.

20 Upon written request by the director of the  
21 department of natural resources, the secretary shall  
22 provide a copy of the ingredient statement and inert  
23 ingredient statement to the department. Upon written  
24 request by the director of the center for health  
25 effects of environmental contamination, the secretary  
26 shall provide a copy of the ingredient statement and  
27 inert ingredient statement to the center.

28 The identity of a specific inert ingredient in a  
29 specific pesticide shall be treated as a confidential  
30 trade secret if the following two conditions are met:  
31 the registrant states, at the time of registration,  
32 that the inert ingredient is a confidential trade  
33 secret; and three or fewer registrants are using a  
34 particular active ingredient in a registered  
35 pesticide. The secretary, the director of the  
36 department of natural resources, and the director of  
37 the center for health effects of environmental  
38 contamination shall treat the presence of any inert  
39 ingredient in a particular pesticide that meets the  
40 two conditions as confidential. This section does not  
41 prohibit research or monitoring of any aspect of any  
42 inert ingredient. This section does not prohibit the  
43 public disclosure of research, monitoring, or data  
44 relative to any inert ingredient so long as such  
45 disclosure does not link an inert ingredient to a  
46 particular brand of pesticide registered in this  
47 state."

48 2. Page 1, by inserting before line 32, the  
49 following:

50 "Sec. \_\_\_\_ . Section 206.22, Code 1989, is amended

1 by adding the following new subsection:  
2 NEW SUBSECTION. 4. A person not submitting an  
3 ingredient statement or a separate inert ingredient  
4 statement as provided in section 206.12, subsection 2,  
5 is subject to a civil penalty not to exceed one  
6 thousand dollars. The civil penalty shall be in  
7 addition to other penalties provided under this  
8 chapter. The county attorney in the county where the  
9 person resides, or the attorney general upon request  
10 by the department, may bring a civil action in  
11 district court to assess the penalty. Moneys  
12 collected from the assessment of the civil penalties  
13 shall be deposited in the general fund of the state."  
14 3. By renumbering as necessary.

By EMIL J. HUSAK  
MICHAEL E. GRONSTAL

S-5378 FILED MARCH 7, 1990  
RULED OUT OF ORDER (p. 735)



1 Section 1. Section 206.12, subsection 2, paragraph c, Code  
2 1989, is amended to read as follows:

3 c. An ingredient statement in which the accepted common,  
4 name and percentage by weight of each active ingredient is  
5 listed as well as the percentage of inert ingredients in the  
6 pesticides. A separate inert ingredient statement containing  
7 the common name of each inert ingredient listed in rank order  
8 according to weight of each inert ingredient in the pesticide  
9 shall also be submitted to the secretary. Except as required  
10 by subsection 4, the registrant is not required to state the  
11 percentage composition or specific weight of any inert  
12 ingredient within a pesticide. The information required by  
13 this paragraph shall be submitted in a manner and according to  
14 procedures specified by the secretary.

15 Upon written request by the director of the department of  
16 natural resources, the secretary shall provide a copy of the  
17 ingredient statement and inert ingredient statement to the  
18 department. Upon written request by the director of the  
19 center for health effects of environmental contamination, the  
20 secretary shall provide a copy of the ingredient statement and  
21 inert ingredient statement to the center.

22 The identity of a specific inert ingredient in a specific  
23 pesticide shall be treated as a confidential trade secret if  
24 the following two conditions are met: the registrant states,  
25 at the time of registration, that the inert ingredient is a  
26 confidential trade secret; and three or fewer registrants are  
27 using a particular active ingredient in a registered  
28 pesticide. The secretary, the director of the department of  
29 natural resources, and the director of the center for health  
30 effects of environmental contamination shall treat the  
31 presence of any inert ingredient in a particular pesticide  
32 that meets the two conditions as confidential. This section  
33 does not prohibit research or monitoring of any aspect of any  
34 inert ingredient. This section does not prohibit the public  
35 disclosure of research, monitoring, or data relative to any

1 inert ingredient so long as such disclosure does not link an  
2 inert ingredient to a particular brand of pesticide registered  
3 in this state.

4 Sec. 2. SPECIAL REPORTS.

5 A person registering a pesticide under section 206.12  
6 shall, by January 1, 1991, report to the department, pursuant  
7 to section 206.12, subsection 2, paragraph "c", information  
8 relating to inert ingredients contained in pesticides  
9 distributed, sold, or offered for sale by the person during  
10 1985 and during each year after 1985. If the information is  
11 unavailable, the person must obtain a waiver from this  
12 requirement from the secretary. A person violating this  
13 section is subject to the penalty provided in section 206.22,  
14 subsection 2. A person who uses or reveals information  
15 relative to formulae of products acquired under the authority  
16 of this section is subject to the penalty provided in section  
17 206.22, subsection 3.

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SENATE FILE 2113

AN ACT

RELATING TO REPORTING INGREDIENTS OF PESTICIDES, MAKING PENALTIES APPLICABLE, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 206.12, subsection 2, paragraph c, Code 1989, is amended to read as follows:

c. An ingredient statement in which the accepted common name and percentage by weight of each active ingredient is listed as well as the percentage of inert ingredients in the pesticides. A separate inert ingredient statement containing the common name of each inert ingredient listed in rank order according to weight of each inert ingredient in the pesticide shall also be submitted to the secretary. Except as required by subsection 4, the registrant is not required to state the percentage composition or specific weight of any inert ingredient within a pesticide. The information required by this paragraph shall be submitted in a manner and according to procedures specified by the secretary.

Upon written request by the director of the department of natural resources, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the department. Upon written request by the director of the center for health effects of environmental contamination, the secretary shall provide a copy of the ingredient statement and inert ingredient statement to the center.

The identity of a specific inert ingredient in a specific pesticide shall be treated as a confidential trade secret if the following two conditions are met: the registrant states, at the time of registration, that the inert ingredient is a confidential trade secret; and three or fewer registrants are using a particular active ingredient in a registered pesticide. The secretary, the director of the department of natural resources, and the director of the center for health effects of environmental contamination shall treat the presence of any inert ingredient in a particular pesticide that meets the two conditions as confidential. This section does not prohibit research or monitoring of any aspect of any inert ingredient. This section does not prohibit the public disclosure of research, monitoring, or data relative to any inert ingredient so long as such disclosure does not link an inert ingredient to a particular brand of pesticide registered in this state.

Sec. 2. SPECIAL REPORTS.

A person registering a pesticide under section 206.12 shall, by January 1, 1991, report to the department, pursuant to section 206.12, subsection 2, paragraph "c", information relating to inert ingredients contained in pesticides distributed, sold, or offered for sale by the person during 1985 and during each year after 1985. If the information is unavailable, the person must obtain a waiver from this requirement from the secretary. A person violating this section is subject to the penalty provided in section 206.22, subsection 2. A person who uses or reveals information

relative to formulae of products acquired under the authority of this section is subject to the penalty provided in section 206.22, subsection 3.

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JO ANN ZIMMERMAN  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2113, Seventy-third General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 3, 1990

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TERRY E. BRANSTAD  
Governor