

**21—45.3 (206) Registration required.** No person shall distribute, give, sell or offer to sell any pesticide which has not been registered with the department of agriculture and land stewardship.

**45.3(1) Registration fees.** All pesticides distributed for sale in the state of Iowa shall be registered pursuant to Iowa Code section 206.12. The registration period shall be January 1 through December 31 of each year. The annual registration fee for each brand and grade of pesticide shall be a minimum of \$250 and a maximum of \$3000. Intermediate fees shall be determined by multiplying the gross dollar amount of annual sales in Iowa for each pesticide product by one-fifth of 1 percent or 0.002.

Each registrant shall submit an application for registration on forms approved by the secretary of agriculture. The registration fee for each product shall be submitted with the application for registration. Application for new or initial registrations of pesticide products shall be accompanied by the minimum registration fee of \$250.

**45.3(2) Renewal fees.** Pesticide product registration renewal fees shall be based on the previous year's gross annual sales with the dollar value derived from the first level of distribution for each pesticide product sold in the state of Iowa. Each registrant shall be responsible for determining total annual Iowa sales data for each pesticide product sold in Iowa whether the pesticide product is distributed for retail sale in Iowa by a manufacturer or from a distributor or wholesaler in the state or from outside the state. Registration renewal fees for pesticide products registered for sale and use in Iowa shall be based on one-fifth of 1 percent of the dollar amount of the total sales for each pesticide product sold. Registration renewal fees shall be a minimum of \$250 and a maximum of \$3000 per pesticide product for each registration period.

The annual sales data for each pesticide product registered in Iowa shall be maintained on file for a minimum of three years with the registrant and shall be made available for audit upon request by the department.

**45.3(3) Exemption from minimum fee.** A manufacturer or registrant of a pesticide product may file a request for an exemption to the minimum product registration fee of \$250 and the secretary may grant an exemption to the minimum registration fee for a period not to exceed one year provided that at least one of the following conditions is met:

*a.* The application is for pesticide product renewal registration; and the total annual sales in Iowa are less than \$20,000; and no similar pesticides are registered in the state. A similar pesticide shall be of similar composition and labeled for a similar use pattern provided that the applicant submits a signed affidavit reflecting gross annual sales in Iowa of the pesticide produced for the previous year.

*b.* The pesticide product is formulated or comprised of naturally occurring substances including, but not limited to, plant or animal derivatives or microorganisms, and which has an oral LD50 toxicity of 5000 milligrams per kilogram or greater.

*c.* Pesticides registered under the authority of Section 18 of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) for emergency, crisis or public health quarantine situations, when the secretary of agriculture initiates the application.

*d.* Pesticides registered under the authority of Section 24(c) of FIFRA when the secretary of agriculture initiates the application.

**45.3(4) Penalty for nonregistered pesticides.**

*a.* Any pesticide distributed in Iowa which is not registered in the state shall be subject to Stop Sale, Use or Removal Order. A penalty shall be assessed the registrant equal to 25 percent of the registration fee due to the department. Upon receipt of the required registration fee due and the required penalty, the pesticide product may be released for sale in Iowa for the effective registration period.

*b.* A manufacturer or registrant shall not be subject to penalties for nonregistered discontinued pesticide products if adequate proof can be provided to the department indicating that all distributors and retailers handling a discontinued pesticide product were properly notified.

**45.3(5) Discontinued pesticides.** Discontinued pesticide product registrations shall be renewed for a minimum of two years after the product is discontinued; and the pesticide product registration renewal application shall identify discontinued products. Any registrant that discontinues registration of a pesticide product shall accept the return of any product in its original unbroken container that remains

in the channels of trade after the registration expires. This subrule shall not apply to registered custom blended pesticide products.

**45.3(6)** *Registration renewal grace period.* The registration period shall be January 1 through December 31 of each year. However, a registrant shall be granted a grace period of three months ending on the last day of March of each year for registration renewal. A registrant shall be assessed a late fee equaling 25 percent of the registration fees due by the registrant for a registration renewal received on or after the first day of April of each year. Application for registration renewal shall be made on forms prescribed by the secretary and certified by the registrant.

This rule is intended to implement Iowa Code section 206.12.

[ARC 0392C, IAB 10/17/12, effective 11/21/12]