

*Reprinted*

MAR 05 1991

SENATE FILE 277  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 197)

Passed Senate, Date 3/31/91 (p 920) Passed House, Date 4/16/91 <sup>P.1278</sup>  
Vote: Ayes 47 Nays 0 Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved May 7, 1991

A BILL FOR

1 An Act relating to the confidentiality of information identifying  
2 inert ingredients in pesticides, and providing retroactive  
3 applicability and effective dates.

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

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*5F-297*

3/97

1 Section 1. Section 206.12, subsection 2, paragraph c,  
2 unnumbered paragraph 3, Code 1991, is amended to read as  
3 follows:

3/974

4 The identity of ~~a specific~~ an inert ingredient in a  
5 specific pesticide shall be treated as a confidential trade  
6 secret ~~if the following two conditions are met:--the~~  
7 ~~registrant states, at the time of registration, that the inert~~  
8 ~~ingredient is a confidential trade secret, and three or fewer~~  
9 ~~registrants are using a particular active ingredient in a~~  
10 ~~registered pesticide.~~ The secretary, the director of the  
11 department of natural resources, and the director of the  
12 center for health effects of environmental contamination shall  
13 treat the presence of any inert ingredient in a particular  
14 pesticide ~~that meets the two conditions~~ as confidential.

15 Public records which identify an inert ingredient in a  
16 pesticide shall be a trade secret protected as a confidential  
17 record under section 22.7. This section does not prohibit  
18 research or monitoring of any aspect of any inert ingredient.  
19 This section does not prohibit the public disclosure of  
20 research, and monitoring, ~~or~~ data relative to any inert  
21 ingredient so long as such disclosure does not link an inert  
22 ingredient to a particular brand of pesticide registered in  
23 this state.

24 Sec. 2. APPLICABILITY AND EFFECTIVE DATES.

3/97 25 1. This Act is retroactively applicable to July 1, 1990,  
26 and is applicable to inert ingredient information received by  
27 state officials under section 1 of this Act on and after that  
28 date.

29 2. This bill, being deemed of immediate importance, takes  
30 effect upon enactment.

31 EXPLANATION

32 This bill amends chapter 206 regulating pesticides. It  
33 amends a provision requiring that inert ingredients in  
34 pesticides must be reported to the department of agriculture  
35 and land stewardship. Currently the department must share the

1 information with the department of natural resources and the  
2 center for health effects of environmental contamination. The  
3 information is also currently considered confidential if the  
4 person registering the pesticide claims the ingredient is a  
5 trade secret and three or fewer registrants are using a  
6 particular active ingredient in the pesticide. This bill  
7 provides that the identity of an inert ingredient is  
8 automatically treated as a confidential trade secret by the  
9 state agencies. Public records which identify an inert  
10 ingredient in a pesticide are made a confidential trade secret  
11 under chapter 22 which provides for examination of public  
12 records.

13 The bill is retroactively applicable to July 1, 1990. The  
14 bill takes effect upon enactment.

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## SENATE FILE 297

S-3197

1 Amend Senate File 297 as follows:

2 1. Page 1, by inserting before line 1, the  
3 following:

4 "Sec. \_\_\_\_ . Section 139.35, Code 1991, is amended  
5 by adding the following new subsections:  
6 NEW SUBSECTION. 6. The Iowa department of public  
7 health shall timely provide copies of all reports of  
8 pesticide poisonings or illnesses received pursuant to  
9 this section to the secretary of agriculture who shall  
10 timely forward these reports and any reports of  
11 pesticide poisonings or illnesses received pursuant to  
12 section 206.14 to the registrant of a pesticide which  
13 is the subject of any reports.

14 NEW SUBSECTION. 7. The Iowa department of public  
15 health shall adopt rules specifying the requirements  
16 for the operation of an emergency information system  
17 operated by a registrant pursuant to section 206.12,  
18 subsection 2, paragraph "c", which shall not exceed  
19 requirements adopted by a poison control center as  
20 defined in section 206.2.

21 Sec. \_\_\_\_ . Section 206.2, Code 1991, is amended by  
22 adding the following new subsection:

23 NEW SUBSECTION. 30. "Poison control center" means  
24 an entity existing as part of a hospital licensed  
25 under chapter 135B which adheres to the standards of  
26 the American association of poison control centers."

27 2. Page 1, by striking lines 4 through 23 and  
28 inserting the following:

29 "The From on and after July 1, 1990, to December  
30 31, 1991, the identity of a-specific an inert  
31 ingredient in a specific pesticide shall be treated as  
32 a confidential trade secret which is not subject to  
33 release under chapter 22.

34 On and after January 1, 1992, the identity of an  
35 inert ingredient in a specific pesticide shall be  
36 treated as a confidential trade secret if the  
37 following two conditions are met: the registrant  
38 states, at the time of registration, that the inert  
39 ingredient is a confidential trade secret; and three  
40 or-fewer-registrants-are-using-a-particular-active  
41 ingredient-in-a-registered-pesticide the registrant  
42 certifies one of the following:

43 (1) The registrant has provided any data base  
44 system used by a poison control center operating in  
45 this state the information required by an attending  
46 physician to treat a patient for exposure or adverse  
47 reaction to the registrant's product, including the  
48 identification of all ingredients which are toxic to  
49 humans.

50 (2) The registrant operates an emergency

1 information system as provided in section 139.35 that  
2 is available to poison control centers twenty-four  
3 hours a day every day of the year. The emergency  
4 information system must provide information to medical  
5 professionals required for the sole purpose of  
6 treating a specific patient for exposure or adverse  
7 reaction to the registrant's product, including the  
8 identification of all ingredients which are toxic to  
9 humans, and toxicological and medical management  
10 information.

11 Poison control centers may share the information  
12 provided by the registrant with an attending physician  
13 for the purpose of treating a specific patient exposed  
14 to the registrant's product. The secretary, the  
15 director of the department of natural resources, and  
16 the director of the center for health effects of  
17 environmental contamination shall treat the presence  
18 of any inert ingredient in a particular pesticide that  
19 meets the two conditions as a confidential trade  
20 secret which is not subject to release under chapter  
21 22. This section does not prohibit research or  
22 monitoring of any aspect of any inert ingredient.  
23 This section does not prohibit the public disclosure  
24 of research, monitoring, published or summary data  
25 relative to any inert ingredient so long as such  
26 disclosure does not link an inert ingredient to a  
27 particular brand of pesticide registered in this  
28 state."

29 3. Page 1, by striking lines 25 through 27, and  
30 inserting the following:

31 "1. Sections 206.2 and 206.12, Code 1991, as  
32 amended by this Act, are retroactively applicable to  
33 July 1, 1990, and are applicable to inert ingredient  
34 information received by state officials on and after  
35 that".

36 4. By renumbering as necessary.

By MICHAEL E. GRONSTAL  
DERRYL McLAREN

See Energy #3 Amend (2601) + Co. Pass 4/1/91

SENATE FILE 297  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 197)

(AS AMENDED AND PASSED BY THE SENATE MARCH 27, 1991)

\_\_\_\_\_ - New Language by the Senate

Re<sup>pr</sup>Passed Senate, Date <sup>3465</sup> 4/22/91 (p. 1383) Passed House, Date 4/16/91 (p. 1278)  
Vote: Ayes 49 Nays 0 Vote: Ayes 98 Nays 1  
Approved May 7, 1991 (p. 1717)

A BILL FOR

1 An Act relating to the confidentiality of information identifying  
2 inert ingredients in pesticides, and providing retroactive  
3 applicability and effective dates.

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

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S.F. 297

1 Section 1. Section 139.35, Code 1991, is amended by adding  
2 the following new subsections:

3 NEW SUBSECTION. 6. The Iowa department of public health  
4 shall timely provide copies of all reports of pesticide  
5 poisonings or illnesses received pursuant to this section to  
6 the secretary of agriculture who shall timely forward these  
7 reports and any reports of pesticide poisonings or illnesses  
8 received pursuant to section 206.14 to the registrant of a  
9 pesticide which is the subject of any reports.

10 NEW SUBSECTION. 7. The Iowa department of public health  
11 shall adopt rules specifying the requirements for the  
12 operation of an emergency information system operated by a  
13 registrant pursuant to section 206.12, subsection 2, paragraph  
14 "c", which shall not exceed requirements adopted by a poison  
15 control center as defined in section 206.2.

3601

16 Sec. 2. Section 206.2, Code 1991, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 30. "Poison control center" means an  
19 entity existing as part of a hospital licensed under chapter  
20 135B which adheres to the standards of the American  
21 association of poison control centers.

3601

22 Sec. 3. Section 206.12, subsection 2, paragraph c,  
23 unnumbered paragraph 3, Code 1991, is amended to read as  
24 follows:

25 The From on and after July 1, 1990, to December 31, 1991,  
26 the identity of a-specific an inert ingredient in a specific  
27 pesticide shall be treated as a confidential trade secret  
28 which is not subject to release under chapter 22.

29 On and after January 1, 1992, the identity of an inert  
30 ingredient in a specific pesticide shall be treated as a  
31 confidential trade secret if the following two conditions are  
32 met: the registrant states, at the time of registration, that  
33 the inert ingredient is a confidential trade secret; and three  
34 or-fewer-registrants-are-using-a-particular-active-ingredient  
35 in-a-registered-pesticide the registrant certifies one of the

1 following:

2 (1) The registrant has provided any data base system used  
3 by a poison control center operating in this state the  
4 information required by an attending physician to treat a  
5 patient for exposure or adverse reaction to the registrant's  
6 product, including the identification of all ingredients which  
7 are toxic to humans.

8 (2) The registrant operates an emergency information  
9 system as provided in section 139.35 that is available to  
10 poison control centers twenty-four hours a day every day of  
11 the year. The emergency information system must provide  
12 information to medical professionals required for the sole  
13 purpose of treating a specific patient for exposure or adverse  
14 reaction to the registrant's product, including the  
15 identification of all ingredients which are toxic to humans,  
16 and toxicological and medical management information.

17 Poison control centers may share the information provided  
18 by the registrant with an attending physician for the purpose  
19 of treating a specific patient exposed to the registrant's  
20 product. The secretary, the director of the department of  
21 natural resources, and the director of the center for health  
22 effects of environmental contamination shall treat the  
23 presence of any inert ingredient in a particular pesticide  
24 that meets the two conditions as a confidential trade secret  
25 which is not subject to release under chapter 22. This  
26 section does not prohibit research or monitoring of any aspect  
27 of any inert ingredient. This section does not prohibit the  
28 public disclosure of research, monitoring, published or  
29 summary data relative to any inert ingredient so long as such  
30 disclosure does not link an inert ingredient to a particular  
31 brand of pesticide registered in this state.

36017

32 Sec. 4. APPLICABILITY AND EFFECTIVE DATES.

33 1. Sections 206.2 and 206.12, Code 1991, as amended by  
34 this Act, are retroactively applicable to July 1, 1990, and  
35 are applicable to inert ingredient information received by



1 state officials on and after that date.

2 2. This bill, being deemed of immediate importance, takes  
3 effect upon enactment.

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SENATE FILE 297

H-3601

1 Amend Senate File 297, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, line 15, by inserting after the figure  
4 "206.2." the following: "The rules shall specify the  
5 qualifications of individuals staffing an emergency  
6 information system and shall specify the maximum  
7 amount of time that a registrant may take to provide  
8 the information to a poison control center or an  
9 attending physician treating a patient exposed to the  
10 registrant's product."

11 2. Page 1, line 17, by striking the word  
12 "subsection" and inserting the following:  
13 "subsections".

14 3. Page 1, by inserting after line 21 the  
15 following:

16 "NEW SUBSECTION. 31. "Toxic to humans" means not  
17 generally recognized as safe as provided by the United  
18 States food and drug administration pursuant to 21  
19 C.F.R. pt. 182."

20 4. Page 2, line 2, by inserting after the word  
21 "provided" the following: "to".

22 5. Page 2, by inserting after line 31 the  
23 following:

24 "This section shall not be construed to prohibit  
25 the release of information independently obtained from  
26 a source other than registrations filed under this  
27 chapter which links an inert ingredient to a pesticide  
28 registered in this state."

By COMMITTEE ON ENERGY AND  
ENVIRONMENTAL  
PROTECTION  
OSTERBERG of Linn, Chairperson

H-3601 FILED APRIL 11, 1991

*Adopted 4/16/91 (p. 1272)*

HOUSE AMENDMENT TO  
SENATE FILE 297

S-3465

1 Amend Senate File 297, as amended, passed, and  
2 reprinted by the Senate, as follows:  
3 1. Page 1, line 15, by inserting after the figure  
4 "206.2." the following: "The rules shall specify the  
5 qualifications of individuals staffing an emergency  
6 information system and shall specify the maximum  
7 amount of time that a registrant may take to provide  
8 the information to a poison control center or an  
9 attending physician treating a patient exposed to the  
10 registrant's product."  
11 2. Page 1, line 17, by striking the word  
12 "subsection" and inserting the following:  
13 "subsections".  
14 3. Page 1, by inserting after line 21 the  
15 following:  
16 "NEW SUBSECTION. 31. "Toxic to humans" means not  
17 generally recognized as safe as provided by the United  
18 States food and drug administration pursuant to 21  
19 C.F.R. pt. 182."  
20 4. Page 2, line 2, by inserting after the word  
21 "provided" the following: "to".  
22 5. Page 2, by inserting after line 31 the  
23 following:  
24 "This section shall not be construed to prohibit  
25 the release of information independently obtained from  
26 a source other than registrations filed under this  
27 chapter which links an inert ingredient to a pesticide  
28 registered in this state."

RECEIVED FROM THE HOUSE

S-3465 FILED APRIL 18, 1991  
*Senate concurred 4/22/91 (p. 1383)*

McLAREN, CH.

MILLER

FRAISE

SSB 197

AGRICULTURE

SENATE FILE 297

BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON PRIEBE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the confidentiality of information identifying  
2 inert ingredients in pesticides, and providing retroactive  
3 applicability and effective dates.

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

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1 Section 1. Section 206.12, subsection 2, paragraph c,  
2 unnumbered paragraph 3, Code 1991, is amended to read as  
3 follows:

4 The identity of ~~a specific~~ an inert ingredient in a  
5 specific pesticide shall be treated as a confidential trade  
6 secret ~~if the following two conditions are met:--the~~  
7 ~~registrant states, at the time of registration, that the inert~~  
8 ~~ingredient is a confidential trade secret, and three or fewer~~  
9 ~~registrants are using a particular active ingredient in a~~  
10 ~~registered pesticide.~~ The secretary, the director of the  
11 department of natural resources, and the director of the  
12 center for health effects of environmental contamination shall  
13 treat the presence of any inert ingredient in a particular  
14 pesticide ~~that meets the two conditions~~ as confidential.  
15 Public records which identify an inert ingredient in a  
16 pesticide shall be a trade secret protected as a confidential  
17 record under section 22.7. This section does not prohibit  
18 research or monitoring of any aspect of any inert ingredient.  
19 This section does not prohibit the public disclosure of  
20 research, monitoring, or data relative to any inert ingredient  
21 so long as such disclosure does not link an inert ingredient  
22 to a particular brand of pesticide registered in this state.

23 Sec. 2. APPLICABILITY AND EFFECTIVE DATES.

24 1. This Act is retroactively applicable to July 1, 1990,  
25 and is applicable to inert ingredient information received by  
26 state officials under section 1 of this Act on and after that  
27 date.

28 2. This bill, being deemed of immediate importance, takes  
29 effect upon enactment.

30

#### EXPLANATION

31 This bill amends chapter 206 regulating pesticides. It  
32 amends a provision requiring that inert ingredients in  
33 pesticides must be reported to the department of agriculture  
34 and land stewardship. Currently the department must share the  
35 information with the department of natural resources and the

1 center for health effects of environmental contamination. The  
2 information is also currently considered confidential if the  
3 person registering the pesticide claims the ingredient is a  
4 trade secret and three or fewer registrants are using a  
5 particular active ingredient in the pesticide. This bill  
6 provides that the identity of an inert ingredient is  
7 automatically treated as a confidential trade secret by the  
8 state agencies. Public records which identify an inert  
9 ingredient in a pesticide are made a confidential trade secret  
10 under chapter 22 which provides for examination of public  
11 records.

12 The bill is retroactively applicable to July 1, 1990. The  
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poison control centers twenty-four hours a day every day of the year. The emergency information system must provide information to medical professionals required for the sole purpose of treating a specific patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans, and toxicological and medical management information.

Poison control centers may share the information provided by the registrant with an attending physician for the purpose of treating a specific patient exposed to the registrant's product. 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 a confidential trade secret which is not subject to release under chapter 22. 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, published or summary 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.

This section shall not be construed to prohibit the release of information independently obtained from a source other than registrations filed under this chapter which links an inert ingredient to a pesticide registered in this state.

Sec. 4. APPLICABILITY AND EFFECTIVE DATES.

1. Sections 206.2 and 206.12, Code 1991, as amended by this Act, are retroactively applicable to July 1, 1990, and are applicable to inert ingredient information received by state officials on and after that date.

2. This bill, being deemed of immediate importance, takes effect upon enactment.

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JOE J. WELSH  
President of the Senate

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ROBERT C. ARNOULD  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 297, Seventy-fourth General Assembly.

-----  
JOHN F. DWYER  
Secretary of the Senate

Approved *May 7*, 1991

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TERRY E. BRANSFORD  
Governor

SENATE FILE 297

AN ACT

RELATING TO THE CONFIDENTIALITY OF INFORMATION IDENTIFYING  
INERT INGREDIENTS IN PESTICIDES, AND PROVIDING  
RETROACTIVE APPLICABILITY AND EFFECTIVE DATES.

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

Section 1. Section 139.35, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 6. The Iowa department of public health shall timely provide copies of all reports of pesticide poisonings or illnesses received pursuant to this section to the secretary of agriculture who shall timely forward these reports and any reports of pesticide poisonings or illnesses received pursuant to section 206.14 to the registrant of a pesticide which is the subject of any reports.

NEW SUBSECTION. 7. The Iowa department of public health shall adopt rules specifying the requirements for the operation of an emergency information system operated by a registrant pursuant to section 206.12, subsection 2, paragraph "c", which shall not exceed requirements adopted by a poison control center as defined in section 206.2. The rules shall specify the qualifications of individuals staffing an emergency information system and shall specify the maximum amount of time that a registrant may take to provide the information to a poison control center or an attending physician treating a patient exposed to the registrant's product.

Sec. 2. Section 206.2, Code 1991, is amended by adding the following new subsections:

NEW SUBSECTION. 30. "Poison control center" means an entity existing as part of a hospital licensed under chapter 135B which adheres to the standards of the American association of poison control centers.

NEW SUBSECTION. 31. "Toxic to humans" means not generally recognized as safe as provided by the United States food and drug administration pursuant to 21 C.F.R. pt. 182.

Sec. 3. Section 206.12, subsection 2, paragraph c, unnumbered paragraph 3, Code 1991, is amended to read as follows:

The From on and after July 1, 1990, to December 31, 1991, the identity of a specific an inert ingredient in a specific pesticide shall be treated as a confidential trade secret which is not subject to release under chapter 22.

On and after January 1, 1992, the identity of an 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 registrant certifies one of the following:

(1) The registrant has provided to any data base system used by a poison control center operating in this state the information required by an attending physician to treat a patient for exposure or adverse reaction to the registrant's product, including the identification of all ingredients which are toxic to humans.

(2) The registrant operates an emergency information system as provided in section 139.35 that is available to