§ 33-0704. Review of applications to register pesticides.

1. For registration applications subject to review pursuant to subdivisions two through five of this section, an application for pesticide registration shall be determined by the commissioner to be complete or incomplete within sixty days of receipt of an application for registration. If the commissioner does not issue a determination of completeness or incompleteness within sixty days of receipt of an application for registration, the application shall be deemed complete. Upon reaching a determination of completeness or incompleteness, the commissioner shall send written notice to the applicant. If the application is determined to be incomplete, the commissioner shall include a statement of the reasons for which the application was determined to be incomplete. The resubmission of the application or the submission of additional information in response to a request for additional information shall commence a new sixty calendar day period for department review of the additional information for purposes of determining completeness.

2. The commissioner shall issue or deny registration of a pesticide which contains an active ingredient not previously registered by the commissioner or which contains an active ingredient previously registered for which a major change in labeling is proposed within one hundred fifty days of a determination that such application is complete. If registration of such pesticide is not granted or denied within such period, the applicant may submit to the commissioner, in the form prescribed by the commissioner, a request to grant or deny the registration. If the registration is not granted or denied within thirty days following the receipt of such a request, the registration shall be deemed granted. Any denial of registration shall specify the grounds for denial.

3. The commissioner shall issue or deny registration of a pesticide to meet a special local need within sixty days of a determination that such application is complete. If registration of such pesticide is not granted or denied within such period, the applicant may submit to the commissioner, in the form prescribed by the commissioner, a request to

grant or deny the registration. If the registration is not granted or denied within ten business days following receipt of such a request, the registration shall be deemed granted. Any denial of registration shall specify the grounds for denial.

4. The commissioner shall issue or deny registration of a pesticide which contains an active ingredient previously registered and which does not propose a major change in labeling within ninety days of a determination that such application is complete. If registration of such pesticide is not granted or denied within such period, the applicant may submit to the commissioner, in the form prescribed by the commissioner, a request to grant or deny the registration. If the registration is not granted or denied within thirty days following the receipt of such a request, the registration shall be deemed granted. Any denial of registration shall specify the grounds for denial.

5. The commissioner shall grant or deny registration of amended labeling of a pesticide product previously registered, other than a major change in labeling, within thirty days following a determination that the application to register the amended labeling is complete. If registration of such amended labeling is not granted or denied within thirty days of a determination that the application is complete, the applicant may submit, in the form prescribed by the commissioner, a request to grant or deny registration of the amended labeling. If registration of the amended labeling is not granted or denied within thirty days following receipt of such a request, the registration shall be deemed granted. Any denial shall specify the grounds for denial.

6. At any time during the review of an application to register a pesticide the commissioner may request reasonable additional information from the applicant with regard to any matter contained in the application when such additional information is necessary for the commissioner to make a decision on the registration application. Such request shall not extend any time period within which a registration decision must be made.

7. A request that the commissioner apply for an emergency exemption

from a federal act providing for the registration of pesticides for a use of a pesticide for which no registration has been issued under such federal act shall be filed with the commissioner at least one hundred five days prior to the date on which such use is proposed to commence. Within thirty days of receipt of such a request, the commissioner shall determine whether the materials submitted with the request are adequate to support an application for an emergency exemption, and shall so inform the person submitting the request. If a request is determined to be adequate to support an application for an emergency exemption, an application shall be filed by the commissioner at least sixty days prior to the date upon which such use is proposed to commence.

8. Any time period specified in this section may be extended with the consent of the applicant.

9. The commissioner shall promulgate rules and regulations necessary and appropriate to carry out the purposes of this title, which shall include a definition of a complete application to register a pesticide. Regulations defining a complete application to register a pesticide shall be promulgated not later than April 1, 1993.