Print Form

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Title 3, Chapter 2, Article 5
A.R.S. 3-351 & R3-3-702

Information for Registrants of Pesticide Products

The following lists the requirements from the Arizona Pesticide Act and Rules to register pesticide products in the State of Arizona.

Any pesticide that has been registered with the U.S. EPA and contains the assigned EPA registration number on the label is acceptable for registration in this state. Supplemental registrations should contain the distributor number as a suffix to the registration number. A pesticide generally cannot be registered in this state prior to the federal registration. Exceptions to the above registration number requirements include those products that U.S. EPA has determined to be exempt from federal registration requirements under Section 25 (b) of FIFRA.

Every product whose label makes pesticidal claims, which is distributed in Arizona must be registered with this department, and such registration must be renewed annually. This will include the Section 25 (b) exempted products. More than one product may have the same EPA registration number, but with different product and/or company names. Each requires a separate registration.

All pesticide registrations expire on December 31, and shall, at the discretion of the registrant be valid for 1 or 2 years. If the applicant elects a 2-year registration, any additional pesticides registered during that 2-year registration period shall have the same registration end-date as the other pesticide products currently registered by that applicant with the Department.

An application for Registration of Pesticides must be submitted along with a legible copy of each label, a Material Safety Data Sheet (MSDS) and a $100.00 **(NOTE - After July 24, 2014 - $110)** registration fee per product
Please read the renewal application carefully if you are electing to register products for a two year period. The application form may be copied. Submit a separate application for each company name appearing on the labels. An Application form is enclosed. Applications received and found to be complete will be processed and the registration certificate returned to the applicant within 105 days.

For all agricultural use pesticides, data required by A.R.S. 49-302 must be submitted to the Arizona Department of Environmental Quality and found complete and acceptable before applying for pesticide registration in the state. The appropriate A.R.S. citation may be found on the reverse side of the registration application.

Effective July 24, 2014 the cost of pesticide registration will increase to $110 per product per year. Even if your form states $100, if it is July 24 or later, make sure and include the proper fee.

Thank you

Arizona Department of Agriculture (ADA)
Licensing and Registration Section
1688 West Adams, Phoenix, Arizona 85007
Phone: (602) 542-4499
Fax (602) 542-0466

For ADA/ESD Use Only
Co. License # _____
Check # _____
Check Date _____
Check Amount _____

Application for Registration of Pesticides

For the year ending December 31, _____ : ☐ One year - $100 (After 7/24/14 -$110) ☐ Two years - $200 (After 7/24/14 - $220)

Name and Address of Applicant	Name of Company Appearing on labels

Submit a separate application for each company appearing on labels. Application is hereby made for a certificate of registration for the listed pesticides pursuant to A.R.S. 3-351.
$_____ is enclosed to cover the fee of $100 per pesticide brand for each year of the registration period (Please make check payable to Arizona Department of Agriculture/ESD.)

Enclose one copy of your "field" label and one MSDS for each pesticide brand. Indicate the EPA registration number and product brand name on each MSDS.

EPA Registration No.		Brand and Name of Product
	1	
	2	
	3	
	4	
	5	
	6	
	7	

For toxicological and safety data, contact the listed person(s) and telephone number(s).

I certify the label(s) submitted with this application are current, accurate and have been approved by the US Environmental Protection Agency, as applicable. The information contained in this application is true and accurate to the best of my knowledge. I understand that providing false information is a felony in Arizona.

I understand that all new agricultural use active ingredients must first meet the data submission requirements of the Arizona Department of Environmental Quality as required by ARS 49-302. If an agricultural use active ingredient is already registered and in use in Arizona, then I must either submit a letter of authorization to use the registrant's data or submit original data.

By (Print or type) _____ Title_____ Federal Tax ID# _____
Signature/date _____ Phone_____ Fax_____
Email _____

RETURN ORIGINAL APPLICATION WITH A COPY OF EACH LABEL BEING REGISTERED TO THE ABOVE ADDRESS
Photocopy this form if more space is needed

	For ADA/ESD use only	
Total Labels Registered	Labels Reviewed? ☐ Yes ☐ No	Reviewers Initials and Date

3-341. Definitions

For the purposes of this article:

1. "Active ingredient" means an ingredient that will prevent, destroy, repel or mitigate pests or that will act as a plant regulator, defoliant or desiccant.
2. "Adulterated" means any pesticide the strength or purity of which falls below the professed standard or quality as expressed on labeling or under which it is sold, or if any substance has been substituted wholly or in part for the article, or if any valuable constituent of the article has been wholly or in part abstracted.
3. "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish and shellfish.
4. "Antidote" means the most practical immediate treatment in case of poisoning and includes first aid treatment.
5. "Associate director" means the associate director of the environmental services division.
6. "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests or are otherwise beneficial.
7. "Defoliant" and "desiccant" means any substance or mixture of substances intended for killing or artificially accelerating the drying of plant tissues, with or without causing abscission.
8. "Device" means any instrument or contrivance intended for trapping insects, and includes any instrument or contrivance intended for destroying, repelling or mitigating insects or rodents or destroying, repelling or mitigating fungi or weeds, or such other pests as may be designated by the director, but not including equipment used for the application of pesticides when sold separately therefrom.
9. "Distribute" means to offer for sale, hold for sale, sell or barter pesticides for use in this state.
10. "Division" means the environmental services division of the Arizona department of agriculture.
11. "Fungi" means all non-chlorophyll-bearing thallophytes, that is, all non-chlorophyll-bearing plants of a lower order than mosses and liverworts, as, for example, rusts, smuts, mildews, molds and yeasts, except those on or in living humans or other animals.
12. "Inert ingredient" means an ingredient that is not an active ingredient.
13. "Ingredient statement" means a statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide.
14. "Insect" means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as, for example, beetles, bugs, bees and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as, for example, spiders, mites, ticks, centipedes and wood lice.
15. "Label" means the written, printed or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if there is any, of the pesticide or device.
16. "Labeling" means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers.

(b) Accompanying the pesticide or device at any time.

(c) To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, nonmisleading reference is made to current official publications of the United States departments of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges or other similar federal institutions or official agencies of the state or other states authorized by law to conduct research in the field of pesticides.

17. "Misbranded" applies:

(a) To any pesticide or device if its labeling bears any statement, design or graphic representation relative thereto or to its ingredients that is false or misleading in any particular.

(b) To any pesticide:

(i) If it is an imitation of, or is offered for sale under the name of, another pesticide.

(ii) If the labeling accompanying it does not contain directions for use that are necessary and, if complied with, adequate for the protection of the public.

(iii) If the label does not contain a warning or caution statement that may be necessary and, if complied with, adequate to prevent injury to living humans and other vertebrate animals.

(iv) If the label does not bear an ingredient statement on that part of the immediate container and on the outside container or wrapper, if there is one, through which the ingredient statement on the immediate container cannot be clearly read, of the retail package that is presented or displayed under customary conditions of purchase.
(v) If any word, statement or other information required by or under the authority of this article to appear on the labeling is not prominently placed thereon with such conspicuousness, as compared with other words, statements, designs or graphic matter in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.
(vi) If used as directed or in accordance with commonly recognized practice, it is injurious to living humans or other vertebrate animals or vegetation, other than the pest to which it is applied, or to the person applying such pesticide.
18. "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematode, including unsegmented round worms with elongated, fusiform, or sac-like bodies covered with cuticle and inhabiting soil, water, plants or plant parts.
19. "Person" means any individual, partnership, association, corporation or organized group of persons whether incorporated or not.
20. "Pest" means:
(a) Any weed, insect, vertebrate pest, nematode, fungus, virus, bacterium or other pathogenic organisms.
(b) Any other form of terrestrial or aquatic plant or animal life, except virus, bacterium or other microorganism on or in living humans or other living animals, which the director declares to be a pest for the purpose of enforcement of this article.
21. "Pesticide" means:
(a) Any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest.
(b) Any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.
22. "Plant regulator" means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.
23. "Registrant" means the person registering any pesticide pursuant to this article.
24. "Weed" means any plant that grows where it is not wanted.

3-343. Enforcement and administrative powers

A. This article shall be administered and its provisions and all rules adopted under this article shall be enforced by the associate director.
B. The director may, after a hearing:
1. Declare as a pest any form of plant or animal life or virus which is injurious to plants, humans, domestic animals, articles or substances.
2. Determine whether or not pesticides present an unreasonable risk to humans.
3. Determine standards of coloring or discoloring for pesticides, and subject pesticides to the requirements of section 3-352.
C. The director may, after a hearing, make rules concerning safety in the distribution and sale of pesticides or devices.
D. All rules adopted under authority of this article shall be divided into two classes to be known as "technical rules" and "administrative rules", such rules to be filed in the office of the secretary of state and subject to judicial review.
E. The director may adopt administrative and technical rules deemed necessary to effectuate the purposes of this article, but only after a hearing.

3-344. Advisory committee; membership; appointment; duties; uniformity of labeling and standards of pesticides

A. The director may appoint an advisory committee as needed to assist and advise the director and associate director in adopting technical rules. The director shall designate the chairman. Meetings of the committee shall be held upon call of the associate director or director. Members of the committee shall serve without

compensation, but shall be entitled to reimbursement for expenses of travel and subsistence incurred in the performance of their duties which shall be paid from and limited by the pesticide fund.
B. In order to avoid confusion endangering the public health, which would result from diverse requirements, particularly as to the labeling and coloring of pesticides, and to avoid increased costs to the public due to the necessity of complying with such diverse requirements in the manufacture and sale of such pesticides, it is desirable that there should be uniformity between the requirements of the several states and the federal government relating to such pesticides. To this end, the director may after a hearing adopt rules applicable to and in conformity with primary standards established by this article as have been or may be prescribed by federal agencies with respect to pesticides.

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3-345. Publications; membership in professional organizations

A. The department may publish at such times and in such forms as the director deems proper, information concerning the production and use of pesticides and reports of chemists' findings based on official samples taken of pesticides sold within the state as compared with guaranteed analysis registered under section 3-351.
B. The director may authorize employees of the department to:
1. Join and subscribe to any state, district, regional or national organizations or publications relating to and dealing with pesticides.
2. Attend state, district, regional and national meetings relating to pesticides that in the director's discretion may be necessary or for the best interests of those affected by this article.
C. Expenses authorized by this section shall be paid from and limited by the pesticide fund.

3-346. Agreements with other agencies and states

The director with the advice of the associate director may cooperate with and after a hearing enter into agreements with any other agency of this state, the United States government, and any other state or agency thereof for the purpose of carrying out the provisions of this article and securing uniformity of regulations.

3-347. Delegation of duties

All authority vested in the director under this article may with like force and effect be executed by his authorized representatives as he designates for such purpose.

3-349. Restrictions upon enforcing officers

No person charged with the enforcement of any of the provisions of this article shall be directly or indirectly interested in the sale, manufacture or distribution of any pesticide.

3-350. Pesticide fund

A. The pesticide fund is established. Except as provided in section 3-351, subsection D, paragraph 2, all monies collected under the provisions of this article shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.

B. The director shall administer the fund. On notice from the director, the state treasurer shall invest and divest monies in the fund as provided by section 35-313 and monies earned from investment shall be credited to the fund.
C. The fund shall be used solely for the purpose of administering the provisions of this article upon the order of the director.
D. The pesticide fund shall be exempt from the provisions of section 35-190 relating to lapsing appropriations.

3-350.01. Experimental use permits
The division may issue an experimental use permit to any public or private research agency or educational institution for the purpose of experimentation. All experimental use permits shall contain provisions for the review and monitoring of the use allowed by the permit under rules of the department.

3-351. Registration; fee; confidential information
A. Every pesticide that is distributed shall be registered with the division. The director may provide by rule for registrations having a term of one or more years and may prescribe the date on which registrations expire.
B. The registrant shall file with the division a statement including:
1. The name and address of the registrant and the name and address of the person whose name will appear on the label, if other than the registrant.
2. The name of the pesticide.
3. A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it including directions for use. If the registrant distributes labels in a language in addition to English, the registrant shall provide a copy of both labels with a signed statement that the label directions have the same meaning and provide the same use directions as on the written English label.
4. If requested by the division, a full description of the tests made and the results of those tests on which the claims are based.
C. For a renewal of registration:
1. A statement shall be required only with respect to information that is different from that furnished when the pesticide was registered or last reregistered.
2. If requested by the director, a complete copy of labeling shall be submitted.
D. Any person desiring to register under this article shall pay to the division a registration fee of one hundred dollars per year for each pesticide. The monies collected from registration fees shall be allocated as follows:
1. Twenty-five dollars for each year of the registration term shall be allocated pursuant to section 3-350.
2. Seventy-five dollars for each year of the registration term shall be deposited in the water quality assurance revolving fund established by section 49-282.
E. All federal, state and county offices shall register without fee all pesticides sold at cost by them.
F. If the director deems it necessary in the administration of this article, the director may require the submission of the complete formula of any pesticide or the confidential statement of formula and the analytical methods for the analysis of the active ingredients in the formulation. For any product having a federal registration, the director may request, on reasonable cause, the analytical methods for the analysis of residues of the active ingredients of the pesticide in environmental media provided that this information has been developed by the applicant and submitted to the United States environmental protection agency. Information provided by the applicant pursuant to this section shall be afforded applicable trade secret and confidentiality protections. Other products exempted from federal registration requirements and required to be registered under this section shall be subject to this subsection.
G. If it appears to the director that the composition of the article is such as to warrant the proposed claims for it and if the article and its labeling and other material required to be submitted comply with the requirements of section 3-352, the division shall register the article. If the director finds that the pesticide does not warrant the proposed claims, the director may request a full description of the tests conducted and the results of the tests on which the claims are based. If the pesticide or its labeling and other material that are required to be submitted do not comply with this article, the director shall notify the applicant of the manner in which the pesticide, labeling or other material fails to comply with the law to afford the applicant an opportunity to make the necessary corrections. If the applicant does not make the corrections and cannot support the claim on the label, the director may refuse to register the pesticide.

H. In submitting data required by this article, the applicant shall clearly mark any portions that are trade secrets or commercial or financial information. The applicant shall identify as confidential information any such marked material and submit it separately from other material required to be submitted under this article. The information shall be kept confidential by the department unless written permission to release the information is granted by the registrant or on order of a court of jurisdiction.
I. In order to protect the public, the associate director, after a hearing, may cancel the registration of a pesticide. The associate director shall cancel the registration of a pesticide on notification by the director of environmental quality pursuant to section 49-306 or 49-309.
J. Notwithstanding any other provision of this article, registration is not required in the case of a pesticide shipped from one plant within the state to another plant within the state operated by the same person.
K. A registrant who discontinues distribution of a pesticide shall continue its registration in this state for three years after the discontinuation to allow the remaining product to move through the channels of trade. The registrant shall notify the appropriate entities within the channels of trade of the effective date of the discontinuation.

3-352. Prohibited acts
A. It is unlawful for any person acting independently or as agent to distribute:
1. Any pesticide that has not been registered pursuant to section 3-351, or any pesticide if any of the claims made for it or any of the directions for its use differ in substance from the representations made in connection with its registration, or if the composition of a pesticide differs from its composition as represented in connection with its registration, but at the discretion of the director, a change in the labeling or formula of a pesticide may be made within a registration period without requiring reregistration of the product.
2. Any pesticide unless it is in the registrant's or the manufacturer's unbroken immediate container and there is affixed to such container, and to the outside container or wrapper of the retail package, if there is one, through which the required information on the immediate container cannot be clearly read, a label bearing:
(a) The name and address of the manufacturer, registrant or person for whom manufactured.
(b) The name, brand or trademark under which the article is sold.
(c) The net weight or measure of the content subject, however, to such reasonable variations as the state may permit.
3. Any pesticide that contains any substance or substances in quantities highly toxic to humans, determined as provided in section 3-343, unless the label bears, in addition to any other matter required by this article:
(a) Warning statements or symbols required by regulation.
(b) A statement of a practical treatment, first aid or otherwise in case of poisoning by the pesticide.
4. Any pesticide that is adulterated or misbranded, or any device that is misbranded.
5. Any pesticide the label of which does not contain necessary information, which information the director has prescribed by rule.
B. It is unlawful:
1. For any person to detach, alter, deface or destroy, wholly or in part, any label or labeling provided for in this article or rules adopted under this article, or to add any substance to, or take any substance from, a pesticide in a manner that may defeat the purposes of this article.
2. For any person to use for his own advantage or to reveal, other than to the director or proper officials or employees of the state or to the courts of the state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of section 3-351.

3-353. Exemptions
A. The penalties provided for violations of subsection A of section 3-352 shall not apply to:
1. Any carrier while lawfully engaged in transporting a pesticide within the state, if such carrier, upon request, permits the director or a designated agent to copy all records showing the transactions in and movement of the articles.
2. Public officials of the state and the federal government engaged in the performance of their official duties.
3. The manufacturer or shipper of a pesticide for experimental use only by or under the supervision of an agency of the state or of the federal government authorized by law to conduct research in the field of pesticides.

B. No article shall be deemed in violation of this article when intended solely for export to a foreign country, and when prepared or packed according to the specifications or directions of the purchaser. If not so exported, all the provisions of this article shall apply.

3-354. Cease and desist orders; condemnation and destruction or sale of noncomplying pesticides or devices

A. When the director finds from investigation that any pesticide or device being distributed or delivered for transportation or transported in intrastate commerce or between points within the state through any point outside this state does not meet the requirements of this article as follows, the director may take the action prescribed by subsection B of this section:

1. In the case of a pesticide:

(a) If it is adulterated or misbranded.

(b) If it has not been registered, if necessary, under section 3-351.

(c) If it fails to bear on its label the information required by law.

(d) If it is a white powder pesticide and is not colored as required under this article.

2. In the case of a device, if it is misbranded.

B. Upon the discovery of any of the facts set forth in subsection A of this section:

1. The director may serve the person violating this article with a cease and desist order requiring the person, on receiving the notice, to immediately cease and desist the violation. The order shall be served by any method of service authorized by the Arizona rules of civil procedure.

2. The department may issue and serve a written cease and desist order on the owner or custodian of any pesticide or device found to be in violation of this article. The pesticide or device shall not be sold, used or removed until this article has been complied with and the pesticide or device has been released in writing by the director or the violation has been otherwise disposed of as provided in this article by a court of competent jurisdiction.

3. If the director discovers any pesticide or device that is in violation of this article, and the owner or custodian is not available for service of the order, the director may attach the order to the pesticide or device and the pesticide or device shall not be sold, used or removed until this article has been complied with and the pesticide or device has been released in writing by the director or the violation has been otherwise disposed of as provided in this article by a court of competent jurisdiction.

C. After a cease and desist order is served on any person, either that person or the director may file an action in the superior court in the county in which a violation of this article is alleged to have occurred for an adjudication of the alleged violation. The court may issue temporary or permanent injunctions, mandatory or restraining, and intermediate orders it deems necessary or advisable. The court may order condemnation of any pesticide or device that does not meet the requirements of this article. The action shall be tried de novo.

D. If the article is condemned, it shall be disposed of, after entry of decree, by destruction or sale as the court directs, and the proceeds, if the article is sold, less legal costs, shall be paid into the pesticide fund. On payment of costs and execution and delivery of a good and sufficient bond conditioned so that the article shall not be disposed of unlawfully, the court may direct that the article be delivered to the owner of the article for relabeling or reprocessing as the case may be.

E. When a decree of condemnation is entered against the article, court costs, fees and storage and other proper expenses shall be awarded against the person, if any, intervening as claimant of the article.

3-355. Enforcement procedures

A. The results of official analyses of any pesticide which has been found to be subject to penalty or other legal action shall be forwarded by the department to the registrant or other responsible person and to the purchaser forthwith. Upon request within thirty days of issuance of the analytical report, the department shall furnish to the registrant or other responsible person a portion of any sample found subject to penalty or other legal action. If it appears from such examination that a pesticide or device fails to comply with the provisions of this article, and the director contemplates instituting criminal proceedings against any person, the director shall cause appropriate notice to be given to such person. Persons so notified shall be given an opportunity to present their views, either orally or in writing, with regard to the contemplated proceedings. If thereafter in the opinion of the director it appears that the provisions of the article have been violated by such person, the director shall refer a copy of the results of the analysis or the examination of such article to the department counsel.

B. Nothing in this article shall be construed as requiring the director to report for prosecution or for the institution of condemnation proceedings minor violations of this article when the director believes that the public interests will be best served by a suitable notice of warning in writing.
C. The director shall, by publication, give notice of all judgments entered in actions instituted under the authority of this article.

3-356. Violations; criminal classification; injunctive relief
A. Any person violating any provision of this article is guilty of a class 3 misdemeanor. A registrant who violates any provision of this article after having been issued a warning pursuant to this article is guilty of a class 1 misdemeanor.
B. The director may apply for and the court may grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this article or any rule adopted under this article notwithstanding the existence of other remedies at law.
C. If any person, with intent to defraud, uses or reveals information relative to formulas of products acquired under authority of section 3-351, the person is guilty of a class 1 misdemeanor.
D. Any monies collected pursuant to this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

ARIZONA ADMINISTRATIVE CODE
ARTICLE 7. PESTICIDE

R3-3-701. Definitions

In addition to the definitions in A.R.S. § 3-341, the following terms apply to this Article:

1. "Discontinuation" means when the registrant is no longer distributing a pesticide into Arizona.

2. "Pest" means, in addition to the pests declared in A.R.S. § 3-341(20), all birds, mammals, reptiles, amphibians, fish, slugs, snails, crayfish, roots, and plant parts.

3. "Official sample" means any sample of pesticide taken by the Associate Director, or the Associate Director's agent, and designated as official.

Historical Note

Former rule 1; Former Section R3-3-01 repealed, new Section R3-3-01 adopted effective January 18, 1978 (Supp. 78-1). Amended effective December 29, 1978 (Supp. 78-6). Section R3-3-701 renumbered from R3-3-01 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-702. Pesticide Registration; Fee

A. Registration. Any person registering a pesticide shall provide the following documents and information on a form provided by the Department with a nonrefundable $100 fee for each pesticide, for each year of the registration:

1. The name, address, telephone number, and signature of the applicant;

2. The name and address of the company appearing on the label;

3. The social security number or tax identification number;

4. The date of the application;

5. The brand and name of the pesticide being registered;

6. The EPA registration number of the pesticide if applicable;

7. The analytical methods for any analyses of residues for the active ingredients of the pesticide, if requested by the Department;

8. The toxicological and safety data, if requested by the Department;

9. The name and telephone number of the person providing the toxicological and safety data;

10. Two pesticide labels for any pesticide not previously registered;

11. The material safety data sheet for each pesticide; and

12. The license time-period option.

B. A pesticide registration is nontransferable, expires on December 31, and shall, at the option of the applicant, be valid for 1 or 2 years.

C. If an applicant elects a 2-year pesticide registration, any additional pesticide registered during that 2-year registration shall have the same registration end-date as any other pesticide currently registered by that applicant with the Department.

Historical Note

Former rule II; Former Section R3-3-02 renumbered and amended as Section R3-3-01, former Sections R3-3-11 and R3-3-12 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Amended subsection (C) effective January 1, 1979, subsection (D) effective January 1, 1982 (Supp. 78-6). Editorial corrections, subsection (B), paragraphs (6) through (9) (Supp. 79-6). Amended by deleting subsection (D) effective March 5, 1982 (Supp. 82-2). Section R3-3-702 renumbered from R3-3-02 (Supp. 91-4).

Repealed effective April 11, 1994 (Supp. 94-2). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-703. General Provisions

A. Discontinued pesticides. In addition to the requirements for discontinued pesticides established in A.R.S. § 3-351(K), any person holding a pesticide found in the channels of trade following the 3-year discontinuation period shall be responsible to register or dispose of the pesticide.

B. Sampling.

1. The Associate Director, or the Associate Director's agent, may sample, inspect, and analyze any pesticide distributed within the state to determine whether the pesticide is in compliance with the provisions of this Article and laws pertaining to this Article, or if a complaint has been filed with the Department.

2. The analytical results of pesticide formulations as listed on a label shall comply with the allowed deviations listed in R3-3-704(B).

3. The results of an official analyses of any pesticide not in compliance with the allowed deviations listed in R3-3-704(B) shall be sent to the Associate Director, to the registrant, or other responsible person. Upon request, and within 30 days, the Associate Director shall provide the registrant or other responsible person a portion of the noncompliant pesticide sample.

C. Prohibited acts. No person shall purchase a pesticide to repackage the pesticide for distribution and sale without relabeling the repackaged container and complying with the provisions of the Act.

Historical Note

Section R3-3-703 renumbered from R3-3-03 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-704. Labels

A. Within 2 weeks of a pesticide label revision, a registrant shall provide the Department with 2 pesticide labels that have been revised since the pesticide was originally registered.

B. The Associate Director may request a copy of a pesticide label if the label on file is older than 3 years.

ALLOWED DEVIATIONS OF ANALYTICAL RESULTS FROM LABEL CLAIMS FOR ACTIVE INGREDIENTS IN PESTICIDE FORMULATIONS

Claim %	HCV(1) %	HSD(2)	Allowed Deviations for "uniform"(3) samples		Allowed Deviations for "non-uniform"(4) samples	
			Claim - 3HSD	Claim + 6HSD	Claim - 4HSD	Claim + 8HSD
0.001	11.31	0.00011	0.00066	0.00168	0.00055	0.00191
0.005	8.88	0.00044	0.0037	0.0077	0.0032	0.0086
0.008	8.27	0.00066	0.0060	0.0120	0.0054	0.0133
0.01	8.00	0.00080	0.0076	0.0148	0.0068	0.0164
0.03	6.78	0.0020	0.024	0.042	0.022	0.046
0.06	6.11	0.0037	0.049	0.082	0.045	0.089
0.10	5.66	0.0057	0.083	0.13	0.077	0.145
0.40	4.59	0.018	0.34	0.51	0.33	0.55

0.80	4.14	0.033	0.70	1.00	0.67	1.06
1.0	4.00	0.040	0.88	1.24	0.84	1.32
2.0	3.60	0.072	1.78	2.43	1.71	2.58
4.0	3.25	0.13	3.61	4.78	3.48	5.04
6.0	3.05	0.18	5.45	7.10	5.27	7.47
10.0	2.83	0.28	9.15	11.70	8.87	12.26
15.0	2.66	0.40	13.80	17.39	13.40	18.19
20.0	2.55	0.51	18.47	23.06	17.96	24.08
25.0	2.46	0.62	23.15	28.70	22.54	29.93
30.0	2.40	0.72	27.84	34.32	27.12	35.75
35.0	2.34	0.82	32.54	39.92	31.72	41.56
40.0	2.30	0.92	37.25	45.51	36.33	47.35
45.0	2.26	1.01	41.96	51.09	40.94	53.12
50.0	2.22	1.11	46.67	56.66	45.56	58.88
60.0	2.16	1.30	56.11	67.78	54.82	70.37
70.0	2.11	1.48	65.57	78.86	64.09	81.82
80.0	2.07	1.65	75.04	89.93	73.38	93.24
90.0	2.03	1.83	84.51	100.97	82.68	104.63

(1) HCV(%) = Horwitz Coefficients of Variation = 2 (1 -0.5 log (claim %/100))
(2) HSD = Horwitz Standard Deviation = (Claim %) HCV %)/100
(3) "Uniform" samples are homogeneous products which can be analyzed by established procedures. In most cases, validated analytical methods are available for these samples.
(4) "Non-uniform" samples are non-homogeneous samples or products which are difficult to sample or subsample. These products may not be uniformly mixed or packaged and include some special formulations like natural products. These types of samples include fertilizer containing pesticides, pesticides in pressurized containers, strips, plastic bands, collars, grain and other carriers. Natural product formulations such as rotenone and pyrethrin are also included in this group. When it is necessary to use methods which are not validated for accuracy, precision, and reproducibility in a specific matrix, the "non-uniform" guidelines may be used for allowed deviations. States may use judgment in placing a sample into the "uniform" or "non-uniform" category.

Historical Note

Former rule IV; Former Section R3-3-04 renumbered and amended as Section R3-3-01 effective January 18, 1978 (Supp. 78-1). Section R3-3-704 renumbered from R3-3-04 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).