



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 645 (as introduced 11-8-23)
Sponsor: Senator Sue Shink
Committee: Natural Resources and Agriculture

Date Completed: 4-5-24

CONTENT

The bill would amend Part 83 (Pesticide Control) of the Natural Resources and Environmental Protection Act to do the following:

- **Add mosquito pesticides to the list of pesticides that the Michigan Department of Agriculture and Rural Development (MDARD) must notify an individual on the Pesticide Notification Registry about before the pesticide's application.**
- **Delete the requirement for individuals to have a medically documented condition to opt-in to the Registry.**
- **Modify, from a physician-recommended distance to 500 feet, the distance from a registrant's primary residence at which MDARD must notify the registrant of a pesticide application.**

Part 83 generally governs the distribution, sale, registration, and commercial use of pesticides in Michigan. Section 8316b requires MDARD to maintain a voluntary registry of individuals who, due to a medically documented condition, must be notified before the application of a lawn or ornamental pesticide occurs on a property adjacent to or within a physician-recommended distance of the individual's primary residence. This registry is referred to by MDARD as the Pesticide Notification Registry. The Department is not required to notify individuals on the Registry if general-use ready-to-use pesticides are used. The Registry also must contain a list of those properties adjacent to or within a physician-recommended distance of the primary residence of each individual on the Registry.

("Physician-recommended distance" means a specified distance, not more than 100 feet from a linear boundary line, considered necessary and substantiated by a physician. "Adjacent to" means either sharing a common boundary line or property corner with or located directly across an undivided road, stream, or right-of-way from.)

The bill would make several changes to Part 83. Firstly, the bill would add mosquito pesticides to the list of pesticides that require notification from MDARD to individuals on the Registry. Secondly, the bill would no longer require the individual to have a medically documented condition to opt-in to the Registry. Thirdly, the bill would delete the term and references to "physician-recommended distance" and replace them with a distance of 500 feet.

This would require MDARD to notify an individual on the Registry for all applications of a lawn, ornamental, or *mosquito* pesticide within *500 feet* of the individual's primary residence, unless that pesticide was a general-use ready-to-use pesticide. In addition, MDARD would have to maintain a list of those properties adjacent to or within *500 feet* of the primary residence of every individual on the Registry.

MCL 324.8316b

BACKGROUND

Public Act 270 of 2018 enacted the Pesticide Notification Registry. To be included on the Registry, an applicant must submit an application, a physician's certification, and a listing of additional properties. The Registry is good for one calendar year. An application for the Registry must be submitted by February 1 of each calendar year. The Registry expires on March 15 of each calendar year. The Registry is free to the public and does not require a fee.¹

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have a minimal fiscal impact on MDARD as it would increase employment and administrative costs for MDARD in a minor way to a varying degree, dependent upon the use of the Registry, as well as require a onetime cost to incorporate the proposed database for tracking information within the existing MDARD registry.

Fiscal Analyst: Bruce R. Baker

¹ "Pesticide Notification Registry", MDARD. Retrieved 3-7-2024.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.