

Act No. 131
Public Acts of 1993
Approved by the Governor
July 21, 1993
Filed with the Secretary of State
July 22, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Reps. Alley, Middaugh, DeMars, Randall and Allen

ENROLLED HOUSE BILL No. 4344

AN ACT to amend sections 3, 4, 6, 7, 13b, 18, 19, 20, and 26 of Act No. 171 of the Public Acts of 1976, entitled as amended "An act to require registration of, and to regulate the distribution, labeling, and application of pesticides; to license pesticide dealers; to register and certify certain applicators; to prescribe the powers and duties of certain state agencies; to create an advisory committee; to create a fund and provide for expenditures from that fund; to provide certain defenses in certain civil actions; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts," sections 3, 4, 6, 7, 18, 19, 20, and 26 as amended and section 13b as added by Act No. 449 of the Public Acts of 1988, being sections 286.553, 286.554, 286.556, 286.557, 286.563b, 286.568, 286.569, 286.570, and 286.576 of the Michigan Compiled Laws; and to add sections 13d and 21a.

The People of the State of Michigan enact:

Section 1. Sections 3, 4, 6, 7, 13b, 18, 19, 20, and 26 of Act No. 171 of the Public Acts of 1976, sections 3, 4, 6, 7, 18, 19, 20, and 26 as amended and section 13b as added by Act No. 449 of the Public Acts of 1988, being sections 286.553, 286.554, 286.556, 286.557, 286.563b, 286.568, 286.569, 286.570, and 286.576 of the Michigan Compiled Laws, are amended and sections 13d and 21a are added to read as follows:

Sec. 3. (1) "Active ingredient" means an ingredient which will prevent, destroy, repel, or mitigate pests, or which will act as a plant regulator, defoliant, or desiccant or otherwise alter the behavior of plants or products.

(2) "Adulterated" applies to a pesticide if its strength or purity is less than, or significantly greater than, the professed standard or quality as expressed on its labeling or under which it is sold; if a substance was substituted wholly or in part for a pesticide; or if a valuable constituent of the pesticide was wholly or in part abstracted.

(3) "Agricultural commodity" means a plant or part thereof, or an animal or animal product produced primarily for sale, consumption, propagation, or other use by man or animals.

(4) "Animal" means all vertebrate and invertebrate species, including, but not limited to, human beings and other mammals, birds, fish, and shellfish.

(5) "Avicide" means a substance or mixture of substances for preventing, destroying, repelling, or mitigating pest birds.

(6) "Building manager" means the person who is designated as being responsible for the building's pest management program and to whom any reporting and notification shall be made pursuant to this act or rules promulgated pursuant to this act.

(7) "Certified applicator" means a person authorized under this act to use and supervise the use of a restricted use pesticide.

(8) "Commercial applicator" means a person who is not a private agricultural applicator, whether that person is a private agricultural applicator with respect to some uses or not, who is required to be a registered or certified applicator under this act, or who uses or supervises the use of a restricted use pesticide or who holds himself or herself out to the public as being in the business of applying pesticides.

(9) "Commercial building" means any building or portion of a building which is not a private residence where a business is located and which is frequented by the public.

Sec. 4. (1) "Defoliant" means a substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

(2) "Department" means the Michigan department of agriculture.

(3) "Desiccant" means a substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

(4) "Device" means an instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigating a pest; but does not include equipment used for the application of pesticides when sold separately.

(5) "Direct supervision" means that a certified applicator is supervising the application of a pesticide and is physically present at the time and place the pesticide is being applied. However, direct supervision by a private agricultural applicator who is supervising the application of a restricted use pesticide for an agricultural purpose means that a certified applicator shall either be in the same field or at the same location with that applicator as he or she applies the restricted use pesticide or that the private agricultural applicator supervises at all times the applicator and directly supervises representative aspects of each initial application process on an agricultural commodity or agricultural structure, including the calibration, mixing, application, operator safety, and disposal aspects of the process.

(6) "Director" means the director of the department of agriculture or his or her authorized representative.

(7) "Distribute" means to offer for sale, hold for sale, sell, barter, ship, deliver for shipment, or receive and having so received deliver or offer to deliver, pesticides in this state.

(8) "Environment" includes water, air, land, and all plants and human beings and other animals living therein, and the interrelationships which exist among them.

(9) "EPA" means the United States environmental protection agency.

(10) "FIFRA" means the federal insecticide, fungicide, and rodenticide act, chapter 125, 61 Stat. 163, 7 U.S.C. 136 to 136y.

(11) "Fungi" means all nonchlorophyll bearing thallophytes, that is, all nonchlorophyll bearing plants of a lower order than mosses and liverworts, as for example, rusts, smuts, mildews, molds, yeasts, and bacteria, except those in or on other animals, and except those in or on processed foods, beverages, or pharmaceuticals.

(12) "General use pesticide" means a pesticide that is not classified as a restricted use pesticide.

Sec. 6. (1) "Nematode" means invertebrate animals of the phylum nemathelminthes and class nematoda, that are unsegmented roundworms with elongated, fusiform, or sac-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts. A nematode may also be called a nema or eelworm.

(2) "Person" means an individual, firm, partnership, association, corporation, company, or any organized group of persons whether incorporated or not, except when referring to a certified or registered applicator, person means individuals only.

(3) "Pest" means an insect, rodent, nematode, fungus, weed, and other forms of terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, except viruses, fungi, bacteria, nematodes, or other microorganisms in or on living animals, or any other organism which the director declares to be a pest under section 18.

(4) "Pesticide" means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating pests, or intended for use as a plant regulator, defoliant, or desiccant.

(5) "Place of business" means a location which is staffed by at least 1 person who independently, without supervision, applies pesticides or who supervises others in the use of pesticides.

(6) "Plant regulator" means a 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 of plants, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments.

(7) "Private agricultural applicator" means a certified applicator who uses or supervises the use of a restricted use pesticide for a private agricultural purpose.

(8) "Private agricultural purpose" means the production of an agricultural commodity on property owned or rented by that person or his or her employer or if applied without compensation, other than trading of personal services between producers of agricultural commodities, on the property of another person.

(9) "Protect health and environment" means protection against any unreasonable adverse effects on the environment.

(10) "Public building" means a building that is owned or operated by a federal, state, or local government, including public universities.

Sec. 7. (1) "Registered applicator" means a person who is not a certified applicator and who is 1 or more of the following:

(a) Authorized to apply general and restricted use pesticides for a commercial purpose as provided in this act and in the rules promulgated under this act.

(b) Applies pesticides as a scheduled and required work assignment in the course of his or her employment on the property of another person for any purpose.

(c) Applies pesticides for a private agricultural purpose.

(2) "Ready-to-use pesticide" means a pesticide that is applied directly from its original container consistent with label directions, such as an aerosol insecticide or rodent bait box, which does not require mixing or loading prior to application.

(3) "Registrant" means a person who has registered a pesticide pursuant to this act.

(4) "Restricted use pesticide" means a pesticide formulation classified for restricted use by EPA or the director.

(5) "Restricted use pesticide dealer" means a person engaged in the distributing, selling, or offering for sale restricted use pesticides to the ultimate user.

(6) "Rodenticide" means a substance or mixture of substances intended for preventing, destroying, repelling, or mitigating rodents or any other vertebrate animal.

(7) "School" means public and private schools, grades kindergarten through the twelfth grade.

(8) "Supervise" means the act or process of a certified applicator in directing the application of a pesticide by a competent person under his or her instruction and control and for whose actions the certified applicator is responsible, even though the certified applicator is not physically present at the time and place the pesticide is applied.

(9) "Unreasonable adverse effects on the environment" means any unreasonable risk to human beings or the environment, taking into account the economic, social, and environmental costs and benefits of the use of a pesticide.

(10) "Use of a pesticide" means the loading, mixing, applying, storing, transporting, and disposing of a pesticide.

(11) "Vendor" means a person that sells or distributes pesticides.

(12) "Weed" means a plant which grows where not wanted.

Sec. 13b. (1) Commencing 3 months after promulgation of the rules required under section 19, it shall be a violation of this act for a person to apply any pesticide for a commercial purpose or to apply any pesticide in the course of his or her employment or other business activity for any purpose other than a private agricultural purpose unless that person is either a certified applicator or a registered applicator.

(2) A person who is not subject to the licensing requirement in section 13a may apply a general use ready-to-use pesticide without being a certified applicator or a registered applicator.

(3) To be eligible to be a registered applicator, an applicant shall do all of the following:

(a) Complete a training program that has been approved by the director and is conducted by a trainer who has the minimum qualifications established by rule. Registration requirements for applicators who apply pesticides only for private agricultural purposes may provide optional methods of training and testing as provided in section 12(1). The training program shall be designed to facilitate and encourage persons who apply pesticides for private agricultural purposes to become registered applicators.

(b) Pass a test that is approved by the director and is administered by the director's designee.

(c) Possess either a valid temporary registration certificate issued by the director's designee or a valid registration card issued by the director.

(4) If an applicant successfully completes an approved training program and passes a test that is administered by the director's designee as a requirement of that training program, a trainer shall issue a temporary registration to an applicant. A temporary registration is only valid from the time it is issued until the applicant receives a registration card from the director. An applicant may receive a valid registration card upon payment of the fee provided for in section 14(3) and when the director's designee submits to the director a program completion form that is signed and dated by the trainer and by the applicant stating that the required training program has been provided and received

and indicating that the applicant has passed the required test. The program completion form shall be promptly submitted as soon as the director's designee issues a temporary registration.

(5) A registered applicator may apply a pesticide that is not a restricted use pesticide under the supervision of a certified applicator and may apply a restricted use pesticide when under the direct supervision of a certified applicator. In addition, during a registered applicator's initial 3-year registration, a registered applicator may apply categories of restricted use pesticides while not directly supervised after the registered applicator has applied that category of restricted use pesticide under direct supervision for the number of hours required by the director unless prohibited by a label.

(6) A registered applicator who applies general use pesticides only for a private agricultural purpose or is not employed by a commercial applicator and who applies general use pesticides as a scheduled and required work assignment in the course of his or her employment shall be exempt from the provisions of this act requiring supervision by a certified applicator when that registered applicator applies general use pesticides.

(7) The employer of a registered applicator shall maintain a record of the hours and location of directly supervised hours of application of restricted use pesticide by each registered applicator for the duration of the restricted applicator's employment and for 3 years following the termination of that person's employment. In addition, when a registered applicator has applied a category of restricted use pesticides while directly supervised for the length of time required by the director, the employer of the applicator may notify the director. Upon notification, the director shall forward a sticker or symbol to the employer that shall be attached to the registered applicator's registration card.

(8) A registered applicator who is applying any pesticide shall display his or her registration card upon the request of an employee of the department.

(9) A registered applicator shall complete a refresher training program every 3 years to be eligible to renew his or her registration.

(10) The director may at any time deny, revoke, or suspend a certification or registration for a violation of this act, or a violation of an order issued under this act, or upon conviction under this act or FIFRA, or upon conviction under a state pesticide law of a reciprocating state in accordance with section 16.

(11) The director shall develop and provide the documents and forms necessary to implement this section.

Sec. 13d. (1) At the beginning of each school year, school administrators shall notify parents and guardians of children attending that school of the right to be informed prior to any application of a pesticide at that school.

(2) The notice described in subsection (1) shall contain information, obtained from the person applying the pesticide, which includes a statement that a pesticide will be applied, the approximate location of the application, and the date of the application.

Sec. 18. (1) The director may do all of the following:

(a) Declare as a pest any form of plant or animal life, except virus, nematodes, bacteria, or other microorganisms on or in living human beings or other animals, which is injurious to health or the environment.

(b) Determine the toxicity of pesticides to human beings. The director shall use the data in support of registration and classification as a guide in this determination.

(c) Determine pesticides, and quantities of substances contained in pesticides, which are injurious to the environment. The director shall use the EPA regulations as a guide in this determination.

(d) Enter into cooperative agreements with agencies of the federal government or any other agency of this state, or an agency of another state for the purpose of carrying out this act and securing uniformity of rules.

(e) Enter upon any public or private premises or other place, including vehicles of transport, where pesticides or devices are being used or held for distribution or sale, for the purposes of inspecting and obtaining samples of pesticides or devices or to inspect equipment or methods of application.

(f) Allow only certified applicators to apply a pesticide that is classified as a restricted use pesticide pursuant to subsection (2).

(2) In addition to any other authority provided by this act, the director, by administrative order, may classify a pesticide as a restricted use pesticide in accordance with any 1 of the restrictive criteria in 53 F.R. 152.170, p. 15987 (May 4, 1988).

(3) Prior to classifying a pesticide as a restricted use pesticide under subsection (2), the director shall issue a preliminary administrative order and provide for a 30-day period for public comment and review pertaining to the preliminary order. Prior to issuing the final administrative order, the director shall review and consider any public comments received during the 30-day period. An administrative order classifying a pesticide as a restricted use pesticide shall cite each of the provisions of subsection (2) that justify that classification.

(4) The department shall develop a program on pesticide container recycling and disposal to be approved by the commission of agriculture. The program shall be limited to licensed pesticide dealers and other persons seeking approval from the department for participation in the program.

Sec. 19. (1) The director shall promulgate rules for carrying out this act, including, but not limited to, rules providing for the following:

- (a) The collection, examination, and reporting the results of examination of samples of pesticides or devices.
- (b) The safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers.
- (c) The designation of restricted use pesticides for the state or for specified areas within the state. The director may include in the rule the time and conditions of sale, distribution, and use of restricted use pesticides.
- (d) The certification and licensing of applicators, and the licensing of restricted use pesticide dealers.
- (e) The maintenance of records by certified commercial applicators with respect to applications of restricted use pesticides.
- (f) Good practice in the use of pesticides.
- (g) Notification or posting, or both, designed to inform persons entering certain public and private buildings or areas where the application of a pesticide, other than a general use ready-to-use pesticide, has occurred.
- (h) Use of a pesticide in a manner consistent with its labeling including adequate supervision of noncertified applicators where appropriate.
- (i) Prenotification by the building manager upon request for affected persons regarding the application of a pesticide at day-care centers and schools.
- (j) Responsibility of a building manager to post signs provided to him or her by the commercial applicator.
- (k) Designation of posted school bus stops as sensitive areas.
- (l) The establishing of a schedule of fines for violation of local ordinances as described in section 21(3).

(2) Not later than 1 year after December 27, 1988, the director shall submit rules to the joint committee on administrative rules pertaining to all of the following:

- (a) The development of a training program for applicators who apply pesticides for private agricultural purposes on the use of appropriate procedures for the application of pesticides; safety procedures for pesticide application; clothing and protective equipment for pesticide application; the detection of common symptoms of pesticide poisoning; the means of obtaining emergency medical treatment; hazards posed by pesticides to workers, the public health, and the environment; specific categories of pesticides; and the requirements of applicable laws, rules, and labeling.
- (b) The development of training programs for integrated pest management systems in schools, public buildings, and health care facilities.

(c) The duty of commercial applicators to inform customers of potential risks and benefits associated with the application of pesticides.

(3) Not later than 18 months after December 27, 1988, the director shall submit rules to the joint committee on administrative rules pertaining to the protection of agriculture employees who hand harvest agricultural commodities regarding all of the following:

- (a) The establishment of field reentry periods after the application of agricultural pesticides.
- (b) The posting and notification of areas where pesticides have been applied.
- (c) The use of protective clothing, safety devices, hand washing, or other methods of protection from pesticide exposure.
- (d) Notification of agricultural workers of poison treatment facilities.

(4) If the EPA at any time adopts and publishes agricultural worker protection standards, the federal standards shall supersede rules promulgated under subsection (3).

(5) Not later than 1 year after December 27, 1988, the director shall submit rules to the joint committee on administrative rules. These rules shall include all of the following:

- (a) Minimum standards of competency and experience or expertise for trainers of certified and registered applicators.
- (b) The development of a training program for applicators on the use of appropriate procedures for the application of pesticides; safety procedures for pesticide application; clothing and protective equipment for pesticide application; the detection of common symptoms of pesticide poisoning; the means of obtaining emergency medical treatment; hazards posed by pesticides to workers, the public health, and the environment; specific categories of pesticides; and the requirements of applicable laws, rules, and labeling.

(c) The number of directly supervised application hours required before a registered applicator may apply each category of restricted use pesticide without direct supervision.

Sec. 20. (1) A pesticide advisory committee is created within the department. On December 27, 1988, the committee shall be composed of the following members:

(a) The director.

(b) The director of the department of natural resources.

(c) A representative of the department of natural resources selected by the director of the department of natural resources who has expertise regarding water quality programs.

(d) The director of public health.

(e) The director of the Michigan cooperative extension service.

(2) The director shall appoint 8 additional members to the committee, 1 each representing the following:

(a) The Michigan pest control association.

(b) Licensed outdoor commercial applicators.

(c) Producers of agricultural commodities.

(d) Licensed aerial applicators.

(e) Nongovernmental organizations for environmental preservation.

(f) Farm employees.

(g) Those in the medical or health science profession experienced in the toxicology of pesticides.

(h) Agricultural chemical industry.

(i) Nongovernmental organizations representing human health interests.

(3) The members of the committee may designate an authorized representative or substitute to represent them on the committee. Of the members first appointed by the director, 3 shall serve for 1 year, 3 for 2 years, and 2 for 3 years. Thereafter, an appointment shall be for 3 years. The director shall remove any member who is absent, either personally or through a designated representative or substitute, for 4 or more consecutive meetings. Vacancies shall be filled for the balance of an unexpired term. The committee shall meet on the call of the director, who shall serve as chairperson. The director shall call a meeting of the committee upon request of 2 or more members. A majority of the members of the committee shall constitute a quorum.

(4) The pesticide advisory committee shall consult with and advise the director in the administration of this act and have the following responsibilities:

(a) To analyze and summarize information pertaining to pesticide use, including, but not limited to, the number and types of pesticide use violations, underlying causes and circumstances involving pesticide misuse, and to develop a profile of violators of this act.

(b) To evaluate potential contamination related to the size and disposal of pesticide containers for home, agricultural, industrial, and commercial use and make recommendations to the legislature.

(c) To utilize available information pertaining to the misuse of pesticides to determine whether the training programs offered by the director are effective in curtailing such misuses.

(d) To review all training requirements for applicators and persons licensed under this act, including the specific review of the components of each area tested under this act, and to make recommendations to the director regarding training and testing. Notwithstanding the responsibilities of the committee under this subdivision, the specific test questions prepared to implement requirements of this act shall remain confidential.

(e) To annually publish a report to be submitted to the governor, the legislature, and the director. The report shall include all of the following:

(i) A review of the recommendations of the committee.

(ii) Recommendations regarding amendatory language for this act.

(iii) Recommendations regarding resources necessary to adequately implement this act.

(iv) A summary of the annual enforcement actions taken under this act.

(5) All meetings of the committee shall be conducted pursuant to the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

Sec. 21a. (1) Except as otherwise provided in this section, it is the express legislative intent that this act preempt any local ordinance, regulation, or resolution that purports to duplicate, extend, or revise in any manner the provisions of this act. Except as otherwise provided for in this section, a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that contradicts or conflicts in any manner with this act.

(2) If a local unit of government is under contract with the department to act as its agent or the local unit of government has received prior written authorization from the department, then that local unit of government may pass an ordinance that is identical to this act and rules promulgated under this act, except as prohibited in subsection (7). The local unit of government's enforcement response for a violation of the ordinance which involves the use of a pesticide is limited to issuing a cease and desist order as prescribed in section 21.

(3) A local unit of government may enact an ordinance identical to this act and rules promulgated under this act regarding the posting and notification of the application of a pesticide. Subject to subsection (8), enforcement of such an ordinance may occur without prior authorization from the department and without a contract with the department for the enforcement of this act and rules promulgated under this act. The local unit of government shall immediately notify the department upon enactment of such an ordinance and shall immediately notify the department of any citations for a violation of that ordinance. Violations of an ordinance enacted under this subsection are limited to a civil infraction of not more than \$500.00.

(4) A local unit of government may enact an ordinance prescribing standards different from those contained in this act and rules promulgated under this act and which regulates the distribution, sale, storage, handling, use, application, transportation, or disposal of pesticides under either or both of the following circumstances:

(a) Unreasonable adverse effects on the environment or public health will exist within the local unit of government. The determination that unreasonable adverse effects on the environment or public health will exist shall take into consideration specific populations whose health may be adversely affected within that local unit of government.

(b) The local unit of government has determined that the use of a pesticide within that unit of government has resulted or will result in the violation of other existing state laws or federal laws.

(5) An ordinance enacted pursuant to subsections (2), (3), and (4) shall not conflict with existing state laws or federal laws. An ordinance enacted pursuant to subsection (4) shall not be enforced by a local unit of government until approved by the commission of agriculture. If the commission of agriculture denies an ordinance enacted pursuant to subsection (4), the commission of agriculture shall provide a detailed explanation of the basis of the denial within 60 days.

(6) Upon identification of unreasonable adverse effects on the environment or public health by a local unit of government as evidenced by a resolution submitted to the department, the department shall hold a local public meeting within 60 days after the submission of the resolution to determine the nature and extent of unreasonable adverse effects on the environment or public health due to the use of pesticides. Within 30 days after the local public meeting, the department shall issue a detailed opinion regarding the existence of unreasonable adverse effects on the environment or public health as identified by the resolution of the local unit of government.

(7) The director may contract with a local unit of government to act as its agent for the purpose of enforcing this act and the rules promulgated pursuant to this act. The department shall have sole authority to assess fees, register and certify pesticide applicators, license commercial applicators and restricted use pesticide dealer firms, register pesticide products, cancel or suspend pesticide registrations, and regulate and enforce all provisions of this act pertaining to the application and use of a pesticide to an agricultural commodity or for the purpose of producing an agricultural commodity.

(8) For any ordinance enacted pursuant to this section, the local unit of government shall provide that persons enforcing the ordinance comply with the training and enforcement requirements as determined by the director. A local unit of government shall reimburse the department for actual costs incurred in training local government personnel.

Sec. 26. (1) The director, upon finding after notice and an opportunity for a hearing that a person has violated any provision of this act except sections 12(2) and 13, may impose an administrative fine of not more than \$1,000.00 for each violation.

(2) If the director finds that a violation occurred despite the exercise of due care or did not result in significant harm to human health or the environment, the director may issue a warning instead of imposing an administrative fine.

(3) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring an action in a court of competent jurisdiction to recover the fine.

(4) A registrant, commercial applicator, registered applicator, restricted use pesticide dealer, or a distributor, who knowingly violates this act or a rule promulgated under this act, is guilty of a misdemeanor and shall be fined not more than \$5,000.00 for each offense. A registrant, commercial applicator, registered applicator, restricted use pesticide dealer, or a distributor, who knowingly and with malicious intent violates this act or a rule promulgated under this act, is guilty of a misdemeanor, and shall be fined not more than \$25,000.00 for each offense. A private agricultural applicator or any other person who knowingly violates this act or a rule promulgated under this act is guilty of a misdemeanor, and shall be fined not more than \$1,000.00 for each offense. The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation committed knowingly and with malicious intent under this subsection.

(5) The director may bring an action to enjoin the violation or threatened violation of this act or a rule promulgated pursuant to this act in a court of competent jurisdiction of the county in which the violation occurs or is about to occur.

(6) The attorney general may file a civil action in which the court may impose on any person who violates this act or a rule promulgated under this act a civil fine of not more than \$5,000.00 for each violation.

(7) In defense of an action filed under this section, in addition to any other lawful defense, a person may present evidence as an affirmative defense that, at the time of the alleged violation, he or she was in compliance with label directions and with this act and rules promulgated under this act.

(8) A civil cause of action shall not arise for injuries to any person or property if a private agricultural applicator, or a registered applicator who stores, handles, or applies pesticides only for a private agricultural purpose, was not grossly negligent and stored, handled, or applied pesticides in compliance with this act, rules promulgated under this act, and the pesticide labeling.

(9) Applicable provisions of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, shall apply to civil actions filed pursuant to this act.

This act is ordered to take immediate effect.

Co-Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.