

GRAPE GROWERS; USE OF CHEMICAL SUBSTANCES (EXCERPT)
Act 6 of 1959

286.404 Chemical substances; director's findings; damage; orders, continuing effect.

Sec. 4.

If the director finds, from testimony adduced, that:

- (a) There has been actual damage to grapevines or grape crops within the affected area; and
- (b) Such damage was caused by the use of the chemical substance complained of in the petition, and by that cause alone; and
- (c) Such use was upon lands within the affected area or in proximity to the affected area, or upon the damaged crop itself; and
- (d) The commercial production of grapes within the affected area constitutes a major source of agricultural income within the affected area; then the director may issue his order prohibiting or restricting the use of 2,4-D (2,4-Dichlorophenoxyacetic acid), 2,4-5-T (2,4-5-Trichlorophenoxyacetic acid) or MCP (2 Methyl, 4 Chlorophenoxyacetic acid) within or in proximity to the affected area during the period from May 1 to October 1. The order shall continue in effect from year to year unless modified or rescinded by the director. Not later than March 15 of each year, the director shall give notice of the order by publication in a newspaper of general circulation in the area affected. The notice shall state the terms of the order in general language and that the order will continue in effect for the ensuing period of May 1 to October 1, unless a petition for modification or rescission of the order, signed by 10 or more grape growers or 50 or more persons not grape growers in the affected area, is filed with the director on or before April 1. If a request for modification or rescission is received, the director shall hold a hearing after giving notice as provided in section 3. After the hearing, the director shall make such findings as the evidence adduced justifies and may continue, modify or rescind the order. If the director modifies or rescinds the order, he shall give notice of his action as provided in section 4. All restrictions upon the use of 2,4-D (2,4-Dichlorophenoxyacetic acid), 2,4-5-T (2,4-5-Trichlorophenoxyacetic acid) or MCP (2 Methyl, 4 Chlorophenoxyacetic acid) within or in proximity to the affected area shall be set forth in the order with particularity.

History: 1959, Act 6, Imd. Eff. Apr. 9, 1959 ;-- Am. 1963, Act 70, Eff. Sept. 6, 1963