

DEPARTMENT OF AGRICULTURE: Paints resistant to mildew on the paint  
ECONOMIC POISONS LAW: film only are not economic poisons with-  
in the meaning of the Missouri Economic  
Poisons Law.



February 1, 1957

Mr. Julius R. Anderson  
State Entomologist  
Department of Agriculture  
Jefferson City, Missouri

Dear Mr. Anderson:

This is in answer to your opinion request to this office dated November 5, 1956, and reads as follows:

"The question has arisen several times as to whether or not paints containing a fungicide need to be registered under the Missouri Economic Poisons Law.

"Enclosed is a letter and a set of labels from the Devoe & Reynolds Company which is a typical sample of such paints. We would appreciate an official opinion as to these paints with fungicides being considered as economic poisons under the Missouri Economic Poisons Law."

This office finds that in the Department of Agriculture's amendment to regulations for Missouri's Economic Poisons Act of 1955, under the heading interpretation with respect to substances included in the definition of economic poison under the Missouri Economic Poisons Law, there is included this paragraph:

"\* \* \* Some specific examples of products which will not be considered economic poisons within the meaning of the act are:

\* \* \* \* \*

"4. preparations intended to prevent fouling of ships bottoms by barnacles or other marine animals."

It is the opinion of this office that paints which are highly resistant to the occurrence of mildew on the paint film only are in the same category with the anti-fouling compounds declared by the Department of Agriculture in the above regulation as not economic poisons, and that under the above regulations, as adopted

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by the Department of Agriculture, such a paint is not an economic poison within the meaning of the Missouri Economic Poisons Law.

CONCLUSION

It is therefore the opinion of this office that a paint which is highly resistant to the occurrence of mildew on the paint film only is not an economic poison within the meaning of the Missouri Economic Poisons Law.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Richard W. Dahms.

Yours very truly,

JOHN M. DALTON  
Attorney General

RWD/bi