

Federal and State Regulation of Pesticides

How EPA regulates the Sale,
Distribution, and Use of Pesticides in
the US

Federal Regulations

- Federal Regulations are done under FIFRA – or the Federal Insecticide, Fungicide and Rodenticide Act.
- FIFRA is a sales and distribution act...if you don't sell, you are not regulated.
- Remember..**THE LABEL IS THE LAW!**

FIFRA – Continued

- **1910 - First Regulation of Pesticides Insecticide Act (make sure farmers got their monies worth).**
- **1945 – DDT and other Chlorinated Pesticides commercially mfg.**
- **1947 – FIFRA Amended to require registration of pesticides shipped interstate (USDA).**

FIFRA – Continued

- 1970 – FIFRA Goes to new agency – EPA (Remember book Silent Spring).
- 1972 – FIFRA Amended to:
 - Add “no unreasonable adverse effects” std for registration.
 - Add intrastate AND interstate registration requirement.
 - PROHIBIT MISUSE

FIFRA - Continued

- 1978 – Amended to give primary enforcement to States...if adequate laws/regs in state.
- 1988 – Amended to require periodic reregistration, and expand data requirements.
- 1996 – FOOD QUALITY PROTECTION ACT (FQPA).

FIFRA and FQPA – Con't

- **FQPA – New Approach to registration.**
- **New Std. – “reasonable certainty of no harm (Sec 408 – FFDCA).**
- **Cumulative effects, common mech. Of toxicity must taken into account.**
- **Vulnerable populations – special consideration.**

FIFRA and FQPA – Con't

- What are FIFRA Regulated Products?
- What is a Pesticide? – Sec 2 of FIFRA
 - “Any substance or mix of substances intended to destroy, repel, or mitigate any pest.” – includes antimicrobials, sterilants, herbicides, insecticides....
- NOT A Pesticide: drugs, disinfectants in human body, feed, or fertilizers.

FIFRA and FQPA – Con't

- **FIFRA Includes “Devices”**
 - Traps, destroys, repels, mitigates pests
 - Must be made in EPA Registered Est.
 - Exception: fly traps, swatters, rototillers
- **Pesticide VS Device:**
 - Pesticide is a chemical.
 - Device is mechanical.

FIFRA (Con't)

- How can you tell a product is a pesticide? Claims on **Label** or **Labeling**.....
- What products are excluded:
 - Cleaners, fertilizers, drugs under FFDCA.
 - Treated articles: can make no health claims.

FIFRA (Con't)

- **What products are excluded (con't):**
 - Biological specimen preservatives
 - Vitamin hormone products
 - Substances undergoing research.
- **When does a pesticide have to be registered?**
 - When a claim is made on the label.

FIFRA (Con't)

- **When does a pesticide have to be registered?**
 - **When seller claims product contains an active ingredient used as a pesticide.**
 - **When the substance has no other value except as a pesticide.**
 - **When a person has actual knowledge of pesticidal properties....intended use is as a pesticide.**

FIFRA (Con't)

- **What is an EUP? (Experimental Use Permit).....license to distribute an unregistered pesticide....for use to gather data to register the product.**
- **Label must bear and EUP number and state “Not for Sale to any person other than a participant or cooperator of the EPA-approved EUP.”**

FIFRA (Con't)

- **What is an Emergency Exemption?**
 - The Administrator can exempt a State or Federal agency from any provision of FIFRA ifemergency.
 - Normally in a “Section 18....” from a State to EPA. EPA imposes restrictions.
 - FQPA---tolerances must be determined.

FIFRA (Con't)

- **Labels and Labeling**

- What is a label? EPA Approved written and printer material attached to pesticide or device.
- Product PLUS brochures, data sheets, tapes, counter displays....etc.

FIFRA (Con't)

- **What must be on the label?**
 - **MISBRANDING IF THESE ARE NOT on Lable: (40 CFR 156.10).**
 - **Name, Address of Producer, registrant.**
 - **Name brand or trademark....156.10 (b).**
 - **Ingredient statement 156.10 (g).**
 - **Net Weight. 156.10(g)(4).**

FIFRA (Con't)

- What must be on label (con't)
 - Keep out of Reach of Children.....
 - **Exception: Tox Class IV no longer required.**
 - Product Registration Number.
 - Establishment Number (Where prod?).

FIFRA (Con't)

- **Registration Numbers of Pesticides:**
 - Two Numbers: First – Company number of **Registrant**. Second— product no. assigned by company.
- **Example: “EPA Reg. No. 239-47”**
 - “239” – is Chevron Chemical.
 - “-47” is the 47th EPA Registered product of Chevron.

FIFRA (con't)

- **IF there are 3 numbers:**
 - Ex “239-47-264”
 - Chevron Chemical’s 47th EPA Product, manufactured by subregistrant “264” (Rhone-Poulenc).
- **Establishment Numbers:**
 - Ex: EPA Est. No. 239-TX-1..is chevron plant 239, in Texas, and Plant #1.

FIFRA (Con't)

- **Certification and Training of Applicators – Sec. 30 of FIFRA**
 - **Certified Applicator:** an applicator who is certified to use RESTRICTED USE products (RUP's).
 - **Private Applicators:** use RUP's on their own property, or rented property.
 - **Commercial applicators:** use or supervise use on property other than that owned or rented by the applicator or the applicator's employer.

FIFRA (Con't)

- **Certification and Training (Con't)**
 - All State Dept's of Ag must have C&T State Plan..
 - Also includes applicator categories: including “service technicians”, (ex: herb. category, fumigant, insect control, aquatic applicators, etc).

FIFRA (con't)

- **Recordkeeping (Section 8 – FIFRA).**
 - Section 7 – Pesticide Producers records.
 - Pesticides produced, relabeled, repackaged, .
 - Includes distributors: wholesaler, retailer, dealer, carrier.
 - Section 8 – Books and Records.
 - Must allow inspector access and copying of records kept under FIFRA.

FIFRA (Con't)

- **Worker Protection Standard**

Protections for workers and handlers in FARMS, Forests, Nurseries, and Greenhouses.

- **Must train, equip, protect, and transport worker or handler.**
- **Must allow access to records of applications, and post fields (if required)....again, follow the label!!!**

FIFRA (Con't)

- **Enforcement of FIFRA**
 - FIFRA Is a “strict liability law” – ignorance is no excuse!!!
 - Warning letters, minor violations.
 - Civil Administrative Action for penalties.
 - Criminal Actions for knowing violations.
 - SSURO or Stop Sale!!
 - Seize a pesticide....Section 13(b).

FIFRA (Con't)

- **FIFRA Violations follow the Federal Enforcement Response Policy (ERP).**
 - **Categories of violations**
 - **Assesses gravity.**
 - **Gives type of action to take.**
 - **Provides a matrix for size of civil penalty.**

For More Information

- <http://www.epa.gov/pesticides/>
- National Pesticide Hotline
(800) 858-7378
<http://ace.orst.edu/info/nptn>
- EPA Region 6 – Dallas
(214) 665-7240