FIFRA – Federal Pesticide Law

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

Jerry Collins US EPA

Environmental Protection Agency

- Established as a regulatory entity to 'Protect Health and the Environment'
- Empowered by legislation:
 - Federal Insecticide, Fungicide, Rodenticide Act (1947)
 - Clean Air Act (1963)
 - Clean Water Act (1972)
 - Marine Protection Research and Sanctuaries Act (1972)
 - Safe Drinking Water Act (1974)
 - Toxic Substances Control Act (1976)
 - Resource Conservation and Recovery Act (1976)
 - Food Quality Protection Act (1996)

History of Pesticide Regulation

• 1910 - Federal Insecticide Act

- Made manufacturing and the sale of misbranded and adulterated pesticides illegal
- Administered by USDA's Insecticide and Fungicide Board

1938 - Federal Food, Drug and Cosmetic Act (FFDCA)

- First statutory protection of human health from pesticides
- Administered by USDA's Food and Drug Administration

 1939 - Synthetic organic pesticides developed

1947 - Federal Insecticide, Fungicide Rodenticide Act (FIFRA)

- Required product label registration prior to marketing of pesticide
- Placed the burden of documenting a product's efficacy and safety on the manufacturer
- Administered by USDA's Insecticide Division

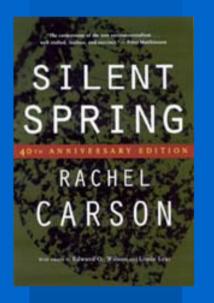
• 1954 - FFDCA: Miller Amendment

 Provided for tolerance setting (maximum residue limits) prior to product registration

• 1958 - FFDCA: Food Additives

 Established a zero tolerance for any deliberate food additive found to induce cancer when ingested by man or laboratory animals

• 1962 - Silent Spring by Rachel Carson



- Argued that synthetic organic pesticides were under-regulated
- Not enough regulatory concern for minimizing chronic effects on man and the environment
- Pesticides are used largely by untrained persons
- Very influential to President Kennedy and others

• 1964 – FIFRA amended

- Closed some loopholes in the statute and shifted the burden of proof in enforcement hearings to the manufacturer
- Mandate that registration numbers appear on product labels

• 1970 - US Environmental Protection Agency

- Created under Executive Order by President Nixon—called Reorganization Plan #3 of 1970 Consolidation of the nation's environmental regulatory activities under the jurisdiction of one agency
- The plan was sent to Congress on July 9, 1970
- Congress approved it and the EPA was created on December 2, 1970

1972 – FIFRA amended

- Gave responsibility to EPA Pesticides Program
- Requires all pesticide applicators to follow all label directions
- Classifies pesticides for restricted use or general use
- Obligates states to adopt parallel laws
- Mandates states to establish applicator certification programs that, at minimum, meet EPA requirements

EPA Office of Pesticide Programs (DC)
1974 – Certification standards published in 'Code of Federal Reg's'
1975 – State plan prep was begun
1976 – Training for certification and certification testing began

Current Certification and Training Program

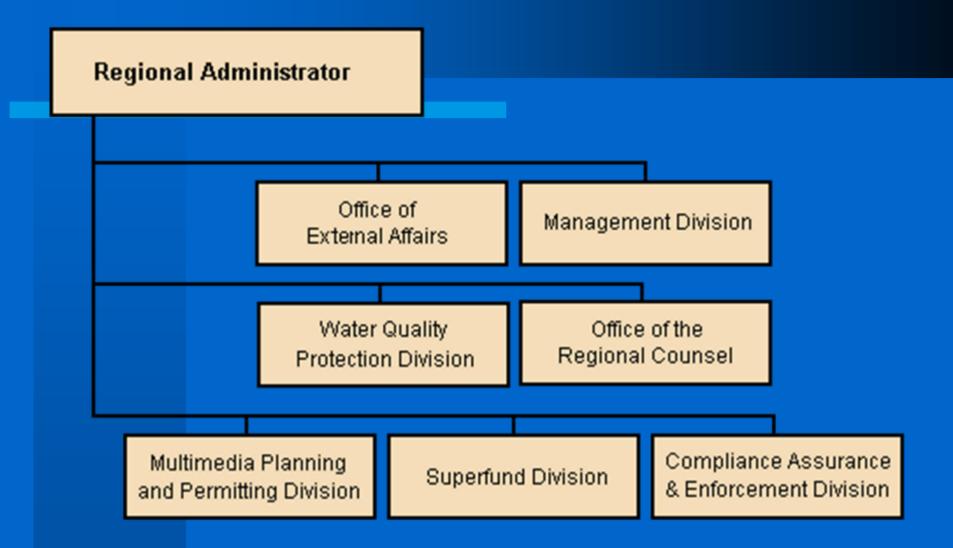
 All but one state is responsible for conducting programs

 EPA provides funding to the states and extension to support certification training

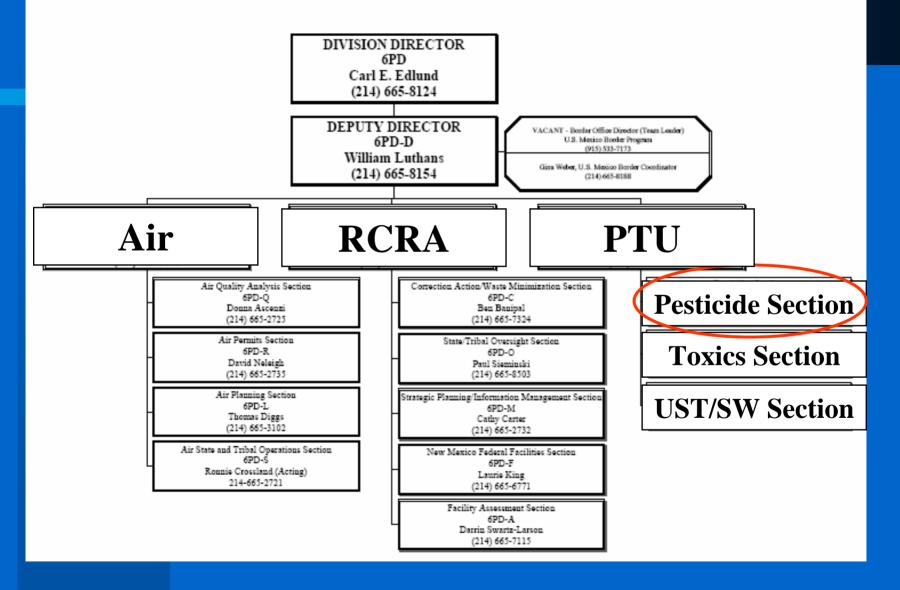
FIFRA – History (con't)

1996 - Food Quality Protection Act (FQPA)

- Amended FIFRA and FFDCA
- Changed the way in which pesticides are registered
- Created a new standard:
 - 'reasonable certainty of no harm'
- Cumulative effect must be accounted for
- Vulnerable populations considered
- Determination that tolerances safe for children



MULTIMEDIA PLANNING AND PERMITTING DIVISION



FIFRA

What power does FIFRA impart to EPA? – Authorizes the Pesticide Program to:

- Register new and reregister old pesticides
- Grant 'Emergency Use' on an as needed basis
- Register establishments
- Conduct inspections and enforcements
- Impose stop sale, use, removal and seizure
- Regulate imports/exports of pesticides
- Coordinate with states and tribes to conduct certification and training of applicators and handlers

What are Pesticides? "Any substance or mix of substances intended to destroy, repel, or mitigate any pest." – includes antimicrobials, sterilants, herbicides, insecticides...."

FIFRA Includes "Devices" - Traps, destroys, repels, mitigates pests Must be made in EPA Registered Est. - Exception: fly strips, swatters, roto-tillers Pesticide vs Device: - Pesticide is a chemical. - Device is mechanical.

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

 NOT A Pesticide: drugs, disinfectants in human body, feed, or fertilizers.

• 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. - Exception: 25(b) Exemption. **Cedar oil Citric Acid** Citronella **Mint and Mint Oil** Soybean oil (31 active ingredients exempt)

Labels and Labeling

 What is a label?
 EPA approved written and printed material attached to pesticide or device product, PLUS brochures, data sheets, tapes, counter displays....etc.

- How does EPA keep everyone in compliance?
 - states conduct:
 - Inspections of establishments and complaints
 - Take enforcement actions
 - Region 6 states:
 - refer approximately 100 cases to EPA)
 - Take 500 enforcement actions (financial and criminal)

Pesticide Program

Other Working Areas Outreach Administer grants Strategic Agriculture / Integrated **Pest Management** Compliance Assistance Provide information directly to the public

Federal Regulations

 Federal Regulations are done under FIFRA – or the Federal Insecticide, Fungicide and Rodenticide Act.

- FIFRA is a sales, use and distribution act...if you don't apply, or sell, make claims on a product, you may not be regulated.
- Remember..THE LABEL IS THE LAW!

For More Information

http://www.epa.gov/pesticides/

 National Pesticide Information Center (800) 858-7378
 npic.orst.edu

 EPA Region 6 – Dallas (214) 665-7240

Questions?

Generic Pesticide Management Plan for Ground Water

U.S. EPA Region 6 Dallas, Texas

Background

- Pesticides in Ground Water Strategy released in 1991
- Strategy calls for State Pesticide Management Plans (PMPs) in lieu of cancellation of pesticides that pose a danger to Ground Water
- Guidance Documents for State Management Plans published in 1993

Background (cont.)

Proposed PMP Rule Published in 1996 identified 5 pesticides: - Atrazine - Simazine - Alachlor - Metolachlor - Cyanazine National Review Committee set up to review numerous comments - 1997 Last Committee Meeting - 1999

Guidance for PMPs

- Encourages voluntary development of Generic State PMPs
- With final rule, Pesticide Specific PMPs would be required
- Guidance calls for 12 components to be addressed in PMP

PMP Components

- State's Philosophy and Goals for Ground Water Protection
- Roles and Responsibilities of State Agencies
- Legal Authority
- Resources
- Basis for Assessment and Planning
- Monitoring

PMP Components (cont.)

- Prevention Actions
- Response to Detections
- Enforcement Mechanisms\
- Public Awareness and Participation
- Information Dissemination
- Records and Reporting

Generic PMPS

Region reviewed Draft Generic PMPs
States addressed EPA comments and completed Generic PMP
Pesticides Section recommended Regional Administrator concurrence for OK.,TX.,LA., & AR Generic PMP