

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**

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

- **1954 - FFDCCA: Miller Amendment**
 - Provided for tolerance setting (maximum residue limits) prior to product registration
- **1958 - FFDCCA: Food Additives**
 - Established a zero tolerance for any deliberate food additive found to induce cancer when ingested by man or laboratory animals

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

- **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**

History of Pesticide Regulation, cont'd.

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

History of Pesticide Regulation, cont'd.

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**

Regional Administrator

Office of
External Affairs

Management Division

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Protection Division

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Regional Counsel

Multimedia Planning
and Permitting Division

Superfund Division

Compliance Assurance
& Enforcement Division

MULTIMEDIA PLANNING AND PERMITTING DIVISION

DIVISION DIRECTOR
6PD
Carl E. Edlund
(214) 665-8124

DEPUTY DIRECTOR
6PD-D
William Luthans
(214) 665-8154

VACANT - Border Office Director (Team Leader)
U.S. Mexico Border Program
(915) 533-7173
Gina Weber, U.S. Mexico Border Coordinator
(214) 665-8188

Air

RCRA

PTU

Air Quality Analysis Section
6PD-Q
Donna Ascenzi
(214) 665-2725

Air Permits Section
6PD-R
David Neleigh
(214) 665-2735

Air Planning Section
6PD-L
Thomas Diggs
(214) 665-3102

Air State and Tribal Operations Section
6PD-S
Ronnie Crossland (Acting)
214-665-2721

Correction Action/Waste Minimization Section
6PD-C
Ben Bannigal
(214) 665-7324

State/Tribal Oversight Section
6PD-O
Paul Sieminski
(214) 665-8503

Strategic Planning/Information Management Section
6PD-M
Cathy Carter
(214) 665-2732

New Mexico Federal Facilities Section
6PD-F
Laurie King
(214) 665-6771

Facility Assessment Section
6PD-A
Darrin Swartz-Larson
(214) 665-7115

Pesticide Section

Toxics Section

UST/SW Section

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

FIFRA, cont'd.

- **What are Pesticides?**

“Any substance or mix of substances intended to destroy, repel, or mitigate any pest.” – includes antimicrobials, sterilants, herbicides, insecticides....”

FIFRA, cont'd.

- **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.

FIFRA, cont'd.

- 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.

FIFRA, cont'd.

- **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)

FIFRA, cont'd.

- **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.**

FIFRA, cont'd.

- 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
 - Alachlor
 - Cyanazine
 - Simazine
 - Metolachlor
- **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**