

#### **Federal Pesticide Laws**

#### Chapter 2

# National Pesticide Applicator Certification Core Manual





# Federal Pesticide Laws

#### This module will help you:

- Understand key federal laws and regulations
- Understand the importance of good record keeping





#### Federal Pesticide Laws...

- are meant to protect public health and the environment
- regulate registration, labeling, sales, distribution, transport., storage, application, disposal, food safety





#### **FIFRA**

- Federal Insecticide, Fungicide, & Rodenticide Act
- Enacted by U.S. Congress in 1947
- Administered by the Environmental Protection Agency (EPA)



# **Environmental Protection Agency (EPA)**

- Registers and licenses pesticides for use
- Ensures both human and environmental health are evaluated
- Precautions and restrictions put into place to prevent adverse effects



### **EPA:** Important facts

- The EPA can stop the sale or use of any pesticide at any time
- Labeling and packaging must be consistent throughout the U.S.
- State law can be more restrictive than federal law!



#### The EPA

- Approves pesticide labels as LEGAL documents
- Reevaluates older pesticides under current standards
- Violators are subject to penalties



#### **Pesticide Classification**

- General Use (or unclassified use):
  - normally lower toxicity
  - no special licenses or permits required
- Restricted Use (RUP):
  - may cause adverse effects to human health or the environment
  - must be stated on the federal label
  - sold only to certified applicators
  - applied only by certified applicators or employees under their direct supervision

#### **Pesticide Classification**

Different formulations containing the same active ingredient (Ai) may be classified differently.

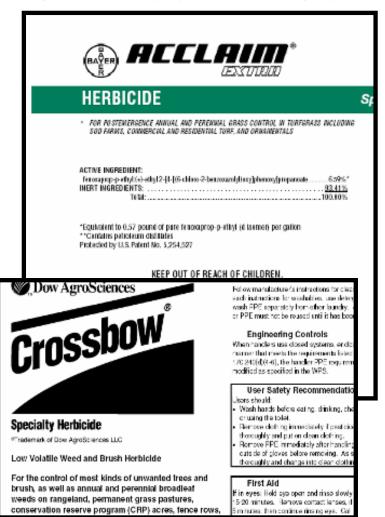
#### For example:

An emulsifiable concentrate containing 70% Ai may be classified as Restricted Use

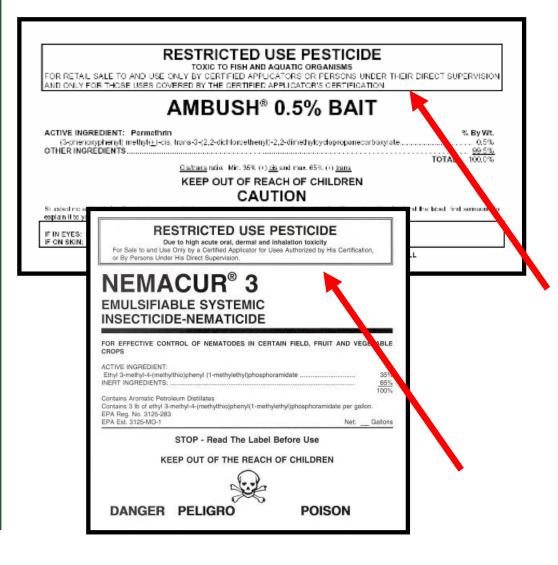
A granular product containing only 5% Ai may be classified as General Use or Unclassified

#### **Pesticide Classification**

#### General or Unclassified Use



#### Restricted Use



#### **Certified Applicators**

are recognized by the state
as being competent to purchase and use
(or supervise the use of)
restricted use pesticides.



## **Private Applicator**

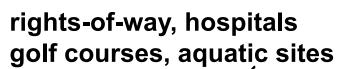
a certified applicator producing an agricultural commodity on owned, rented, or leased property or his employers agricultural property



FIFRA Category – states may use different name!

## **Commercial Applicator**

# a certified applicator operating on any other private or public property





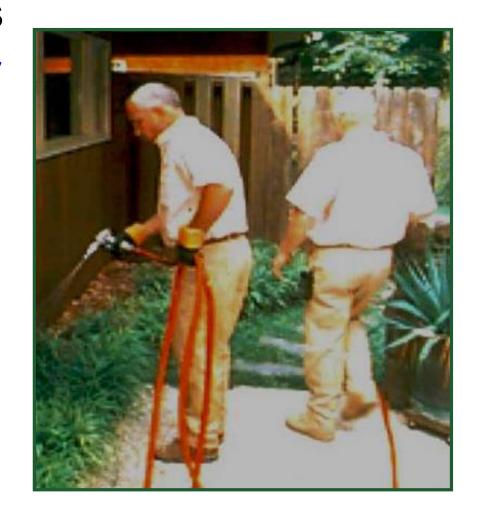


homes, businesses

FIFRA Category – states may differ!

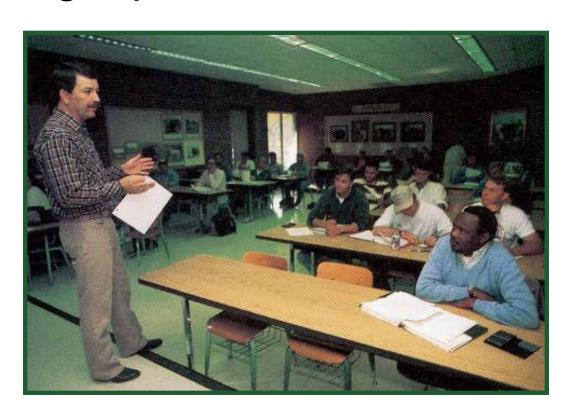
## **Certified Applicators**

- Only certified applicators or individuals under their direct supervision may mix, load, apply or direct the use of restricted use pesticides
- Check to make sure direct supervision is allowed in your state



#### **Certified Applicators**

Certification requires applicators to demonstrate broad-based knowledge and competency in understanding label language, pesticide use and handling.



# Following Labels

- Certified applicators MUST follow the label, unless exemptions for specific uses are listed
- State and local laws may override these exemptions – check with state and local agencies first!



#### Label "Rules of Thumb"

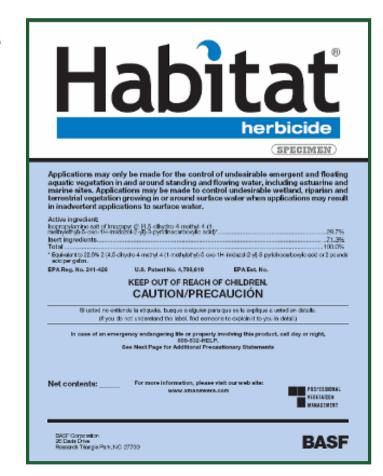
- The site must be stated on the label
- The target pest does not need to be listed
- Any application method may be used, unless prohibited by the label
- Applications may be made at a rate less than that stated on the label, not more!
- Tank mixtures are OK, unless the label says otherwise

#### **State Pesticide Laws**

- State lead agencies enforce both federal and state pesticide laws
  - Commonly the Dept. of Agriculture or the environmental conservation agency
- State law is often more restrictive than federal law
- Applicators are responsible for knowing the law, even when it changes. Stay informed!

## Pesticide Registrations

- Any product that claims to control, repel, attract, mitigate a pest
- Standard Section 3
- ❖ Special Local Need 24c
- Emergency Exemption section 18
- Minimum Risk no registration required
- Experimental Use Permits



#### **Special Provisions**

Special Local Needs: provides states the authority to register an additional use of a federally registered pesticide to treat an existing or imminent pest problem





## **Special Provisions**

Emergency Exemption: The use of a federally registered pesticide is granted when an emergency pest problem arises for which no pesticides are registered for that situation





# **Special Provisions**

- Minimum-Risk Pesticides
  - exempt from EPA review o label approval
  - Section 25b chemical list
- Experimental Use Permits (EUPs)
  - allow field testing of new products



#### **Pest Control Devices**

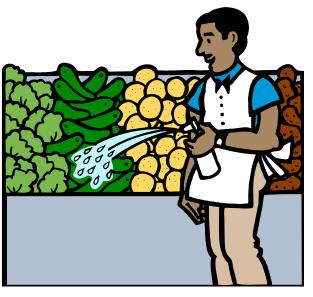
- Device: any instrument for trapping, destroying, repelling, or mitigating a pest (even a black light trap)
- The EPA requires the registration of all firms and organizations that produce devices



# Pesticide Reregistration

- EPA reviews older pesticides every 15 years
- Products must meet safety standards according to the Food Quality Protection Act (FQPA) of 1996
- All products are screened for all routes of exposure in determining safe levels of residues in food





#### Food Quality Protection Act (FQPA)

- establishes food residue tolerances only when there is "reasonable certainty" of no harm
- considers cumulative exposures
- considers greater risks to infants and children
- mandates the review of older pesticides under new standards – every 15 years
- mandates testing for endocrine disruption
  - linked to sexual, behavioral, developmental, reproductive problems

#### Residues & Tolerances

- EPA regulates residues and tolerances
- Residue: the amount of pesticide that remains on food or feed at time of harvest
- Tolerance: the maximum legal amount of residue that is allowed to remain on or in treated crops or animals that's sold for food or feed

## Setting Pesticide Tolerances

#### **EPA** considers

Toxicity of pesticide and its breakdown products



- Amount and frequency of application
- Amount of pesticide remaining on food at time of market or processing
- United States Department of Agriculture (USDA) information on eating habits

#### **Pesticide Tolerances**

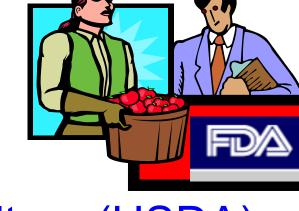
- Residues at harvest pose "reasonable certainty of no harm" when applied according to label directions
- Tolerances also apply to imported food

Goal: Safe food supply



# Who enforces pesticide tolerances?

Food & Drug Administration (FDA) monitors residues on food and feed (domestically, imports and exports)

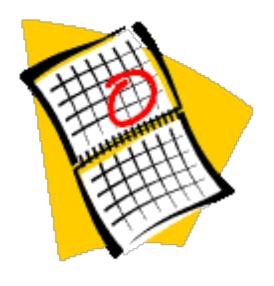


- U.S. Department of Agriculture (USDA) monitors meat and milk
- State agencies also conduct enforcement

# How does a pesticide applicator meet tolerance levels?

- Tolerances well within limits if label followed
- Apply only to crops listed on the label – no deviation!
- Follow application rates!
- Wait until the preharvest interval (PHI) has passed: the number of days from application until harvest or slaughter





#### **Violations of Federal Law:**

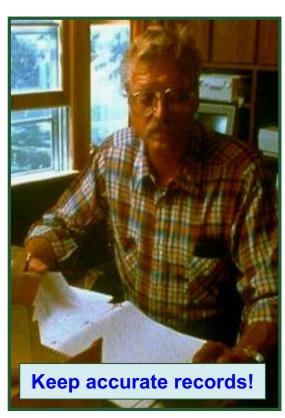
- Violation: Distributing, selling, or delivering an unregistered pesticide
- Violation: Advertising not in accordance with the label specifications



Violation: Selling a registered product if its content does not conform with the label information

#### **Violations of Federal Law:**

- Violation: Selling adulterated or misbranded pesticide
- Violation: Detaching, altering, or defacing a container or label
- Violation: Forbidding EPA inspections
- Violation: Making a guarantee or recommendation that does not conform to the label
- Violation: Inaccurate record keeping



#### **Violations of Federal Law:**

- Violation: Making a restricted-use pesticide available to a non-certified applicator
- Violation: Advertising a restricted use pesticide without telling the audience



Violation: Using a pesticide in any manner inconsistent with its label!

#### Penalties for FIFRA Violations

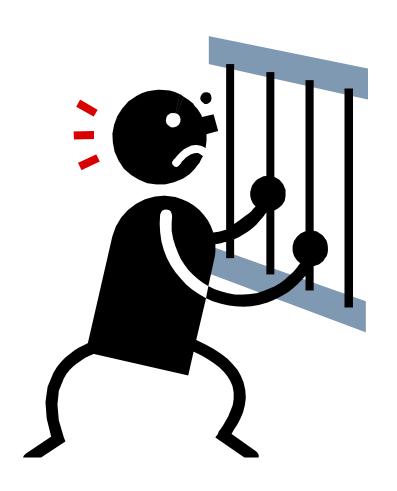
#### **Civil Penalties**

- Private Applicators: 1<sup>st</sup> time, warning; other offenses, up to \$1000
- Most applicators and dealer managers: up to \$5,000 per offense
- Size of operation, impact and gravity of violation all considered in deciding the penalty amount

#### **Criminal Penalties**

- Misdemeanor
- Private Applicators: up to \$1000 and/or 30 days in prison
- Commercial Applicators: up to \$25,000 and/or up to 1 year in prison
- Producers: up to \$50,000 and/or up to 1 year in prison

# THE LABEL IS THE LAW!



#### Federal Laws to Know

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
  - governs pesticide registration, sales, application, and disposal
- Food Quality Protection Act (FQPA)
  - sets tougher standards for pesticides used on food
- Federal Food, Drug and Cosmetics Act (FFDCA)
  - governs pesticide tolerances

# The Worker Protection Standard (WPS - agriculture only)

- Employers must provide protections against possible harm from pesticides
- Reduces pesticide risks to:
  - agricultural workers
  - pesticide handlers
- Applies to owners and operators who apply pesticides on agricultural lands, as well as consultants



#### The Endangered Species Act

- Administered by U.S. Fish & Wildlife Service
- Must not harm endangered or threatened species or their habitat
- it's illegal to kill, harm or collect endangered or threatened fish, plants, or wildlife
- EPA must ensure pesticide use will not harm endangered and threatened species



# **Endangered Species**Protection Program

- Administered by state lead agencies and the EPA
- Labels direct applicators to consult a county bulletin to check for special restrictions



United States Environmental Protection Agency

Pesticides And Toxic Substances (H-7506C)

### Protecting Endangered Species Interim Measures for Use of Rodenticides in Mendocino County

The federal Endangered Species Act is intended to protect and promote the recovery of animals and plants that are in danger of becoming extinct due to human activities. Under the Act, the U.S. Environmental Protection Agency (U.S. EPA) must ensure that the use of pesticides it registers will not result in harm to the species listed as endangered or threatened by the U.S. Fish and Wildliffe Service, or to habitat critical to those species' survival. This program will protect endangered and threatened species from harm due to pesticide use.

The information provided in this bulletin is similar to what U.S. EPA expects to distribute once the Endangered Species Protection Program is in effect. Individuals who use pesticides during this interim period are not legally required to comply with these suggested measures. At the present time, compliance with the requirements specified on the pesticide product labeling will satisfy all legal

#### About This Publication

This publication contains a county map showing the area where pesticide use should be limited to protect listed species. The areas where listed species are present are identified on the map by a shaded pattern. The areas are also described in terms of township, range and section for specific detail

November 26, 1996

The Table of Use Limitation Codes lists the species addressed in this bulletin and categorizes them by species group. Species have been placed in logical groups based on their similar characteristics or behaviors.

The Use Limitation Codes table also lists the limitation codes for each of the species groups. The codes indicate the specific limitations that are necessary to protect the species. The table titled Table of Limitations on Pesticide Use explains the

Does This Information Apply To You?

# **Endangered Species Protection Program**

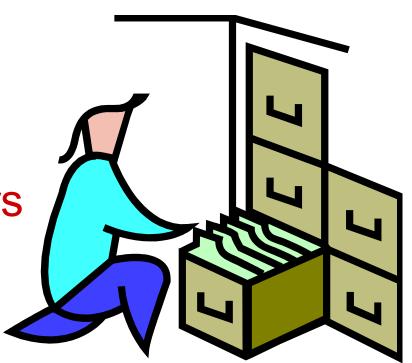
- Must ensure pesticide use does not harm the threatened or endangered species or their habitat
- Precautionary measures may include buffer strips, reduced application rates, timing restrictions and prohibited use in specific areas





## Keeping Records

- EPA administers federal laws for commercial applicators
- USDA enforces federal laws for private applicators
- State and local governments may have more strict requirements



## Keeping Records is Smart

- Meet state and federal requirements
- Document professionalism, which can protect you in a lawsuit
- Evaluate the effectiveness of treatments
- Help time purchases efficiently to increase profits and avoid costly disposal problems.
- Provide information in medical emergencies
- Contribute to data that play a key role in documenting the benefits of pesticides

## **Training Records**

- Keep records of pesticide training for your employees!
- Not required, but they do verify that employees received adequate training
- Keep names, ID numbers, signatures, dates, copies of training materials

### Summary

- Federal regulations protect human health and the environment
- Applicators are responsible for knowing and complying with the law
- State and local pesticide laws are often more restrictive!
  - State registrations and distribution
  - Certification and licensing



### Summary

- The EPA sets pesticide tolerances after conducting numerous studies
- The Food Quality Protection Act (FQPA) requires that EPA consider cumulative exposures and increased risks for infants and children
- The FDA and USDA enforce pesticide tolerances on food and feed



## Summary

- The Worker Protection Standard (WPS) protects agricultural employees, and mandates pesticide safety training
- The Endangered Species Act protects endangered and threatened species and their habitats from adverse effects of pesticides
- Applicators must keep adequate records according to requirements established by the federal and state agencies

#### Remember

- Follow the label— it's the law!
- It's the responsibility of applicators to know the laws affecting their work
- By complying with the law, applicators avoid costly penalties and ensure safe, effective pesticide use



## Q1. Which federal agency sets pesticide tolerances?

- A. Environmental Protection Agency (EPA)
- B. US Department of Agriculture (USDA)
- C. Food and Drug Administration (FDA)
- D. Occupational Safety and Health Administration (OSHA)



#### Q2. Who can legally purchase a restricted use herbicide?

- certified private applicator
- certified commercial applicator
- 3. farmer
- 4. government employee

A. 1 only

C. 1 and 3 only

B. 1 and 2 only D. 3 and 4 only



## Q3. The Worker Protection Standard affects which groups who apply pesticides?

- A. Private applicators
- B. Commercial turf and landscape applicators
- C. Commercial seed treaters
- D. Commercial rights of way applicators



#### Acknowledgements

Washington State University Urban IPM and Pesticide Safety Education Program authored this presentation



Illustrations were provided by Nevada Dept. of Agriculture, University of Missouri-Lincoln, Virginia Tech., Washington Dept. of Agriculture, Washington State University



#### Acknowledgements

- Presentation was reviewed by Beth Long, University of Tennessee; Ed Crow, Maryland Dept. of Agriculture; Jeanne Kasai, U.S. EPA; and Susan Whitney King, University of Delaware
- Narration was provided by Drex Rhoades, Washington State University Information Department



Support for this project was made possible through EPA Office of Pesticide Program cooperative agreements with the Council for Agricultural, Science and Technology, and the National Association of State Departments of Agriculture Research Foundation. The views expressed herein are those of the authors and do not necessarily represent the views and policies of the EPA.







