



CHAPTER 2

Federal Pesticide Laws

Chapter 2

National Pesticide Applicator Certification Core Manual

CHAPTER 2

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)



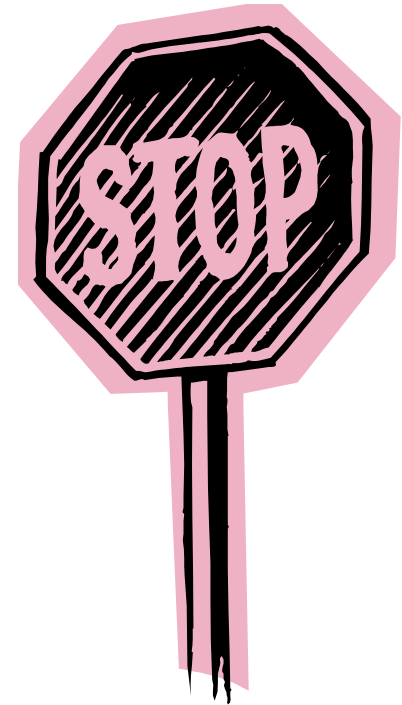
Environmental Protection Agency (EPA)

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



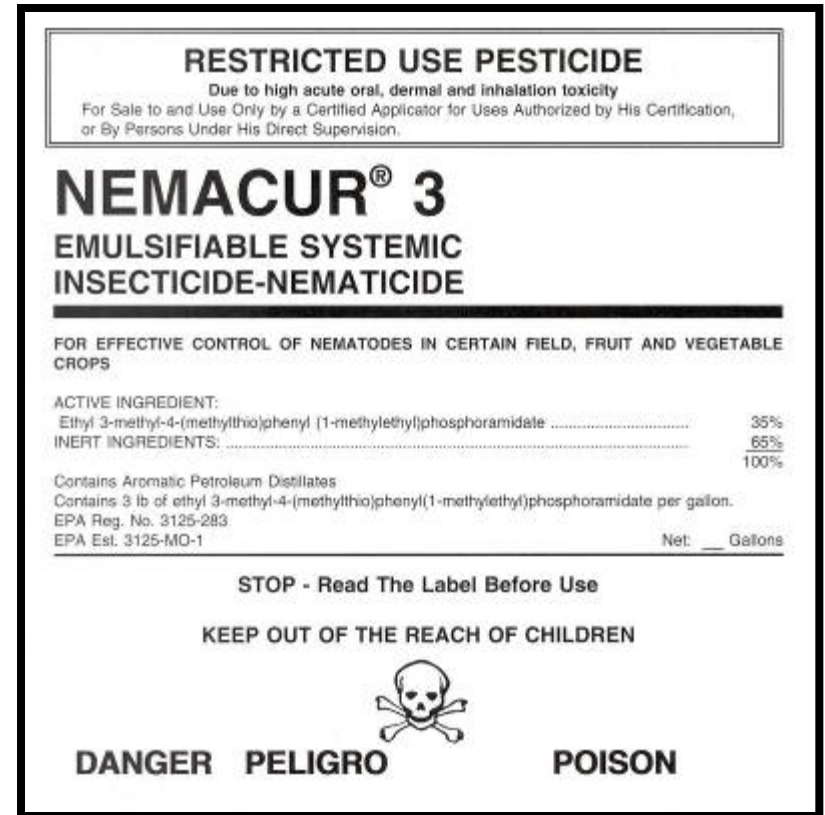
EPA: Important facts

- ❖ 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



BAYER ACCLAIM[®] EXTRA

HERBICIDE

* FOR POSTEMERGENCE ANNUAL AND PERENNIAL GRASS CONTROL IN TURFGRASS INCLUDING SOFT FARMS, COMMERCIAL AND RESIDENTIAL TURF, AND ORNAMENTALS

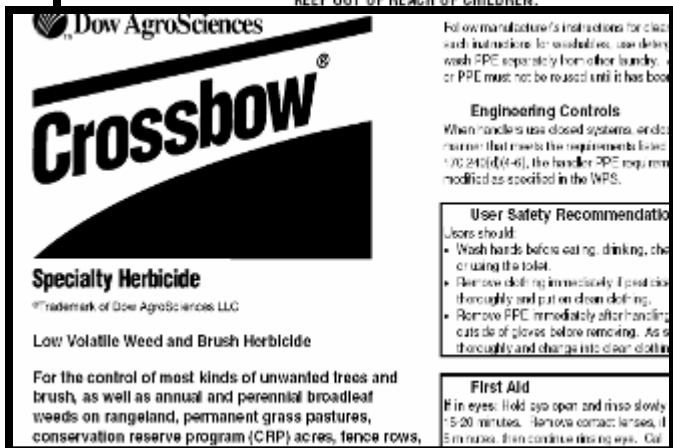
ACTIVE INGREDIENT:
fenoxaprop-p-ethyl (±)-ethyl 2-[4-(6-chloro-2-benzoxazolyl)oxy]phenoxy]propanoate 6.99%*

INERT INGREDIENTS: 93.01%

Total: 100.00%

*Equivalent to 0.57 pound of pure fenoxaprop-p-ethyl (±) isomer per gallon
**Contains piperium obstacles
Protected by U.S. Patent No. 5,254,527

KEEP OUT OF REACH OF CHILDREN.



Dow AgroSciences

Crossbow[®]

Specialty Herbicide

®Trademark of Dow AgroSciences LLC

Low Volatile Weed and Brush Herbicide

For the control of most kinds of unwanted trees and brush, as well as annual and perennial broadleaf weeds on rangeland, permanent grass pastures, conservation reserve program (CRP) acres, fence rows,

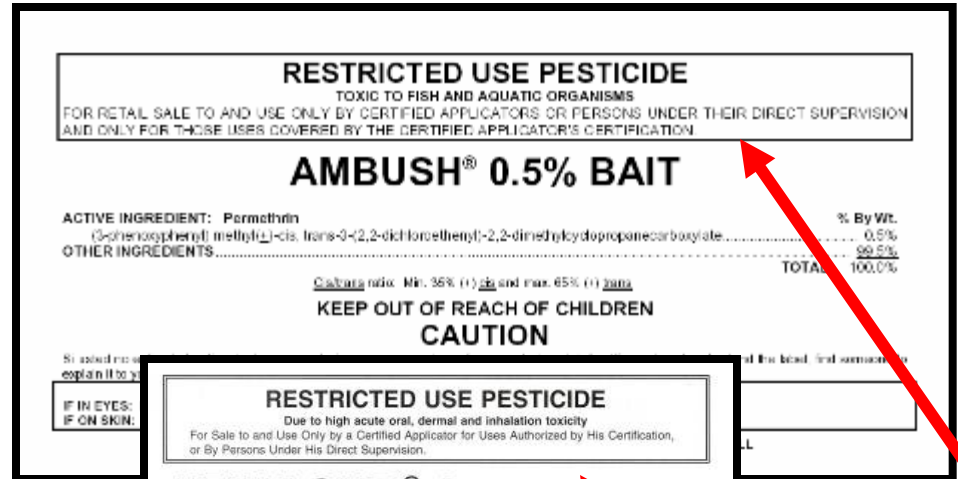
Follow manufacturer's instructions for closed and instructions for residential use. Do not wash PPE separately from other laundry. PPE must not be reused until it has been properly cleaned.

Engineering Controls
When handlers use closed systems, enclosed cabs, or other engineering controls that meet the requirements listed in 40 CFR 171.33(d)(4-6), the handler PPE requirements may be modified as specified in the WPS.

User Safety Recommendations
Users should:
• Wash hands before eating, drinking, or chewing tobacco.
• Remove clothing immediately if pest control product is splashed on clothing.
• Remove PPE immediately after handling and store it in a secure location. Wash it thoroughly and change into clean clothes.

First Aid
If in eyes: Hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after continuous rinsing. Call your physician for treatment.

Restricted Use



RESTRICTED USE PESTICIDE
TOXIC TO FISH AND AQUATIC ORGANISMS
FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS OR PERSONS UNDER THEIR DIRECT SUPERVISION AND ONLY FOR THOSE USES COVERED BY THE CERTIFIED APPLICATOR'S CERTIFICATION

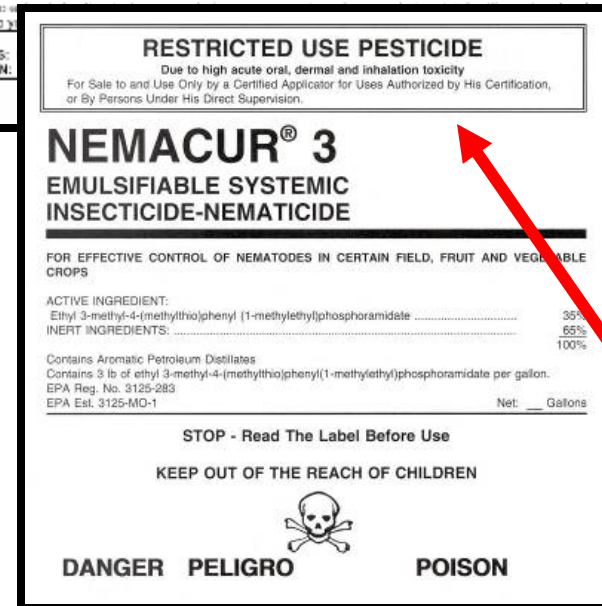
AMBUSH[®] 0.5% BAIT

ACTIVE INGREDIENT: Permethrin (3-phenoxyphenyl methyl)-cis, trans-3-(2,2-dichloroethyl)-2,2-dimethylpropanoate 0.5%
OTHER INGREDIENTS: 99.5%
TOTAL: 100.0%

Caution ratio: Min. 35% (1) and max. 65% (1) bait

**KEEP OUT OF REACH OF CHILDREN
CAUTION**

If asked to explain it to you, please refer to the label, first section.



RESTRICTED USE PESTICIDE
Due to high acute oral, dermal and inhalation toxicity
For Sale to and Use Only by a Certified Applicator for Uses Authorized by His Certification, or By Persons Under His Direct Supervision.

NEMACUR[®] 3
**EMULSIFIABLE SYSTEMIC
INSECTICIDE-NEMATICIDE**

FOR EFFECTIVE CONTROL OF NEMATODES IN CERTAIN FIELD, FRUIT AND VEGETABLE CROPS

ACTIVE INGREDIENT:
Ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate 35%
INERT INGREDIENTS: 65%
TOTAL: 100%

Contains Aromatic Petroleum Distillates
Contains 3 lb of ethyl 3-methyl-4-(methylthio)phenyl(1-methylethyl)phosphoramidate per gallon.
EPA Reg. No. 3125-283
EPA Est. 3125-MO-1
Net: ___ Gallons

STOP - Read The Label Before Use

KEEP OUT OF THE REACH OF CHILDREN

DANGER PELIGRO POISON

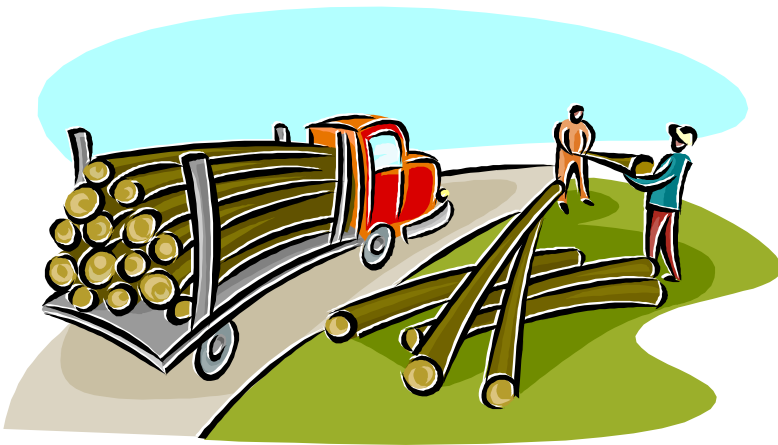
Certified Applicators

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



Private Applicator

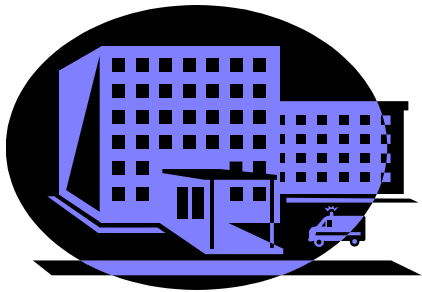
a certified applicator producing an **agricultural commodity** on owned, rented, or leased property or his employers agricultural property



FIFRA Category – states may use different name!

Commercial Applicator

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



rights-of-way, hospitals
golf courses, aquatic sites



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”

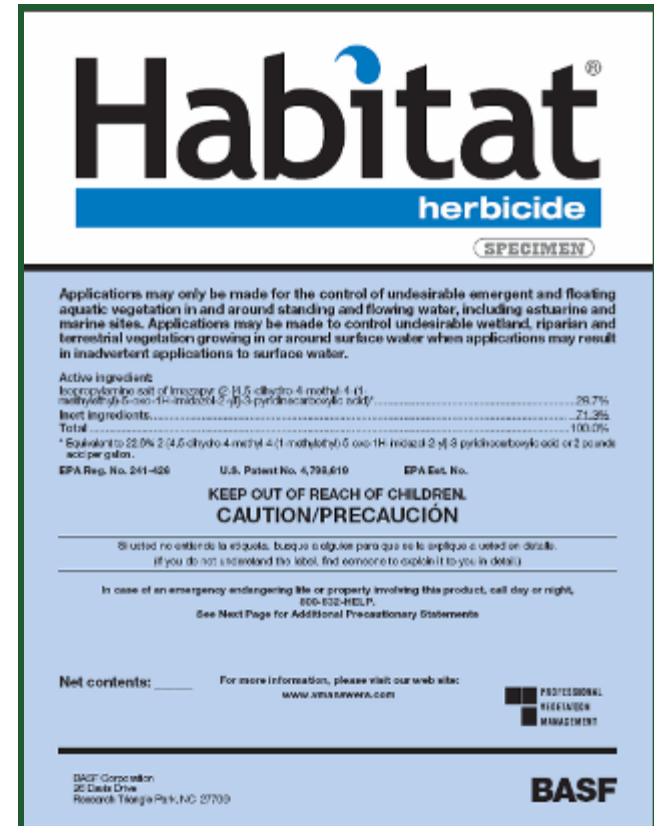
- ❖ The site must be stated on the label
- ❖ The target pest does not need to be listed
- ❖ Any application method may be used, unless prohibited by the label
- ❖ Applications may be made at a rate less than that stated on the label, not more!
- ❖ Tank mixtures are OK, unless the label says otherwise

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



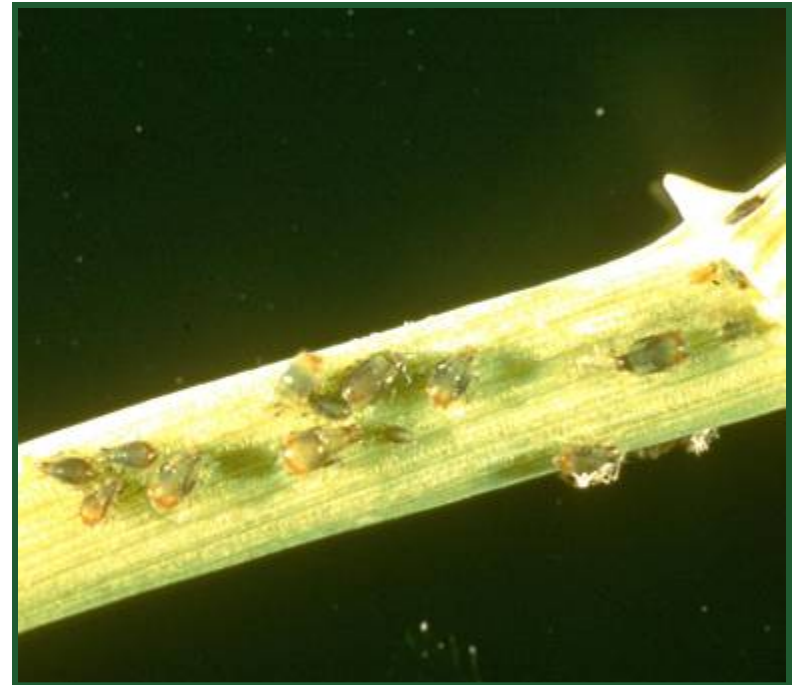
Special Provisions

- ❖ **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

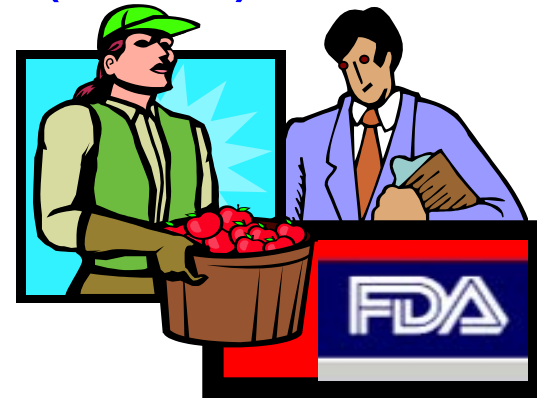
Goal:
Safe food supply



Who enforces pesticide tolerances?

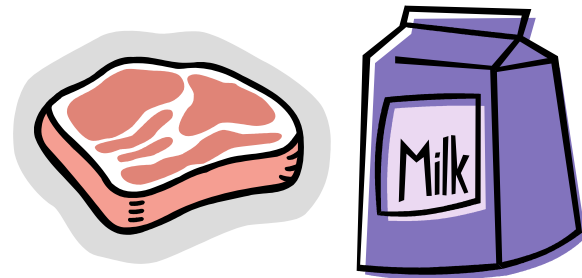
- ❖ Food & Drug Administration (FDA)

monitors residues on food and feed (domestically, imports and exports)



- ❖ U.S. Department of Agriculture (USDA)

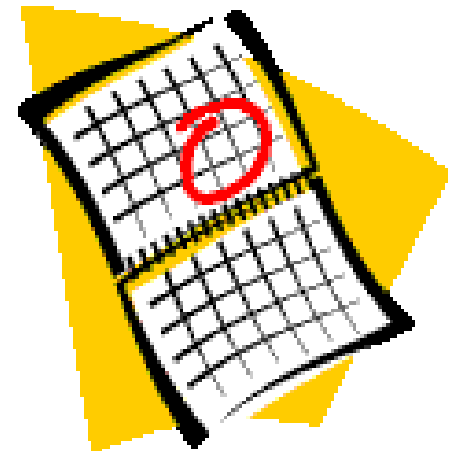
monitors meat and milk



- ❖ 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



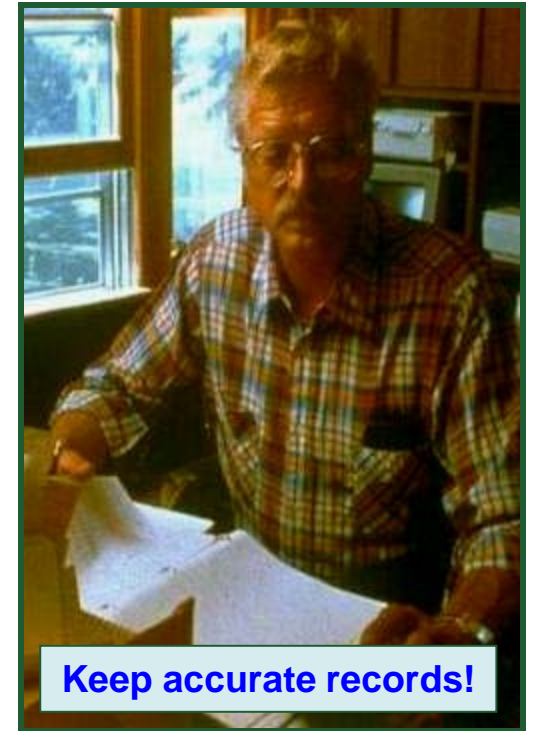
Violations of Federal Law:

- ❖ **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:** 1st 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



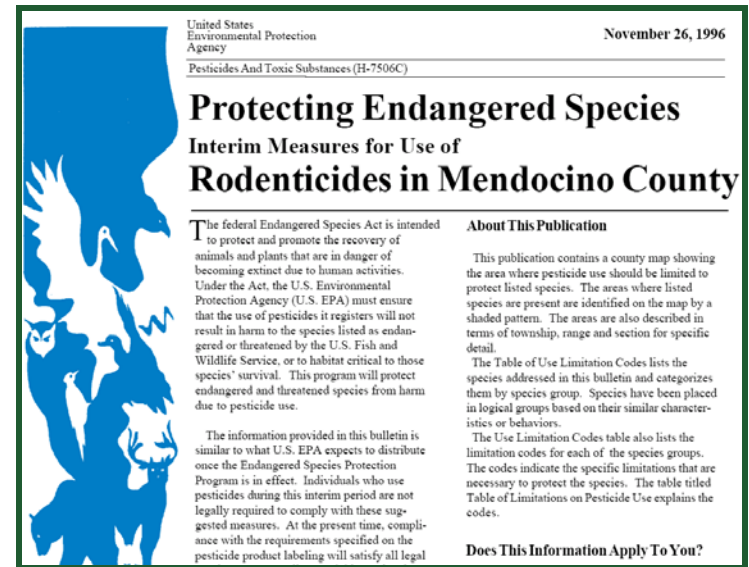
The Endangered Species Act

- ❖ 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



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



Jerry Stein, NDOW

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



CHAPTER 2

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)

CHAPTER 2

Q2. Who can legally purchase a restricted use herbicide?

1. certified private applicator
2. 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

CHAPTER 2

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

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CHAPTER 2

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