

Quick Reference: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)

Codified: 7 U.S.C. §136 *et seq.*

Regulations: 40 C.F.R. §§162-180

Date Enacted: 1980

Amendments: Several amendments; most notably are the Amendments of 1972.

Implementing Agency: EPA

Purpose: To protect the public health and environment from the misuse of pesticides by regulating the labeling and registration of pesticides and by considering the costs and benefits of their use.

Scope of Application: Because pesticides must be registered with the EPA, FIFRA requires all pesticide manufacturers to submit data regarding the safety and efficacy of the pesticides they sell on the market. For pesticides that are registered for restricted use, FIFRA also requires a certified applicator to be present during the use of a restricted pesticide.

Required Permit: No permit is necessary but all pesticides must be registered with the EPA and applicators of restricted pesticides must be certified.

State Implementation: Where a state has a federally approved pesticide program, the state is the primary enforcement authority. However, ultimate enforcement authority lies with the EPA because the agency can take over state's enforcement authority if the state programs are not adequately enforced.

Enforcement: It is unlawful to distribute or sell unregistered pesticides, registered pesticides that are adulterated or misbranded, or registered pesticides whose composition is different than that disclosed during registration. Thus, false data submissions and registration statements constitute FIFRA violations. In addition, FIFRA is violated by detaching, altering, defacing, or destroying any labeling required by FIFRA or by failing to comply with recordkeeping, reporting and inspection requirements. Any violation of FIFRA is subject to a \$5,000 civil fine. Knowing violations are punishable by a criminal fine of up to \$50,000 and one year imprisonment. Fraudulent data disclosures can incur up to a \$10,000 fine and three years imprisonment.

Summary of the major provisions: Registration requirements are set forth in Section 3 of FIFRA. The EPA's decision as to whether a pesticide meets the enumerated criteria is based on the data submitted by the manufacturer in its registration application. The EPA then decides whether there are unreasonable adverse effects on the environment by taking into account the economic, social, and environmental costs and benefits of the use of the pesticide. The criteria prohibiting the pesticide from posing an unreasonable or adverse effect on the environment is a continuing criteria. This means that the EPA may, at any time, pursuant to Section 6 of FIFRA suspend, cancel, or restrict the use of a pesticide that poses unreasonable adverse effects or imminent hazards to the environment. All registered pesticides must be

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properly labeled for lawful sale. The label must specify the pesticide's active ingredients, how to use the pesticide on particular crops, and limitations on how or when it may be used. In 1996 Congress passes the Food Quality Protection Act (FQPA) which effects FIFRA in two major ways. First, it requires the EPA to develop an Estrogenic Substances Screening Program to screen all pesticides for their effect on humans. Second, the FQPA requires the EPA to set a tolerance, or maximum residue limit, on each registered pesticide. This is to ensure the safety of the food supply in the United States.

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Published by: Center for Sustainable Systems, 430 E. University, Ann Arbor, MI, 48109-1115
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