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# The Federal Insecticide, Fungicide & Rodenticide Act and Pesticide Labels

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# Objectives

- Describe the relevant sections and definitions of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)
  - Describe the standard information found on pesticide labels including directions for use, precaution statements, first aid and emergency contact information, environmental hazard statements, storage and disposal, and agricultural use requirements.
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# Relevant Authorities Regarding Pesticide Use

- **FIFRA**
  - Clean Water Act
  - NEPA
  - ESA
  - DOI Policy
    - Integrated Pest Management (517 DM 1)
      - May 31 2007
  - FWS Policy
    - Integrated Pest Management(569 FW 1 )
      - August 3, 2010
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# Federal Insecticide, Fungicide, Rodenticide Act (FIFRA)

## ■ FIFRA's Legislative History

- ❑ 1906 – Pure Food & Drug Act
  - ❑ 1910 – Federal Insecticide Act
  - ❑ 1938 – Federal Food, Drug & Cosmetic Act
  - ❑ 1947 – FIFRA
  - ❑ 1972 – Federal Environmental Pesticide Control Act
  - ❑ 1996 – Food Quality Protection Act
  - ❑ 2003 – Pesticide Registration Improvement Act
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# Federal Food, Drug & Cosmetic Act of 1938

- Protection of infants & children
  - Set tolerances in food & feed
  - Rulemaking process to set & exempt tolerances
  - Health based standard “reasonable certainty of no harm”
  - Benefits may be considered
  - Tolerance enforcement by FDA & USDA
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# FIFRA of 1947

- Required truth in packaging:
    - Products must contain a list of ingredients;
    - Products must be efficacious;
  - Pesticides must be colored;
  - Rodenticides added;
  - Registration serves as pre-market clearance;
  - Government must bear burden of proof of product safety.
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# Food Quality Protection Act of 1996

- Single health based standard
  - Special protection for infants & children
  - Expedites process for “safer” pesticides
    - Reduced risk
  - Incentives for development & maintenance of effective crop protection tools
    - Integrated Pest Management
  - Periodic re-evaluation of registered pesticides
    - Pesticides registered prior to 1984 must be reviewed
    - Creates registration review program
  - Cumulative assessment of pesticides with similar mechanisms of action
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# Relevant FIFRA Definitions

- Pesticide
    - Active ingredient
    - Inert (other) ingredients
  - Unreasonable adverse effects on the environment
  - Risk
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# Relevant FIFRA Definitions

- What is a pesticide?
    - “any substance or mixture of substances intended for preventing, destroying, repelling or mitigating any pest” where a pest is “any insect, rodent, nematode, fungus, weed or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism” –
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# Relevant FIFRA Definitions

- Active ingredient (AI) – The active ingredient in a pesticide has a complex **chemical name** derived from its chemical composition. It also has a common name which makes it easier to identify.
    - One pesticide may be sold under different brand names, but the same chemical name will be on all of the product labels. The percent active ingredient must be included on the label.
  - Inert ingredients - Ingredients in a pesticide product that are not pesticidally active, typically only the % of total inert ingredients, but not the names, are on the label.
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# Relevant FIFRA Definitions

- An unreasonable adverse effect on the environment is:

“Any unreasonable risk to man or the environment, taking into account the economic, social and environmental costs and benefits of the use of any pesticide...”

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# What is Risk?

- EPA assumes risk is a function of toxicity and exposure
  - Utilize risk quotients (RQ) which are based on modeled estimated environmental concentrations / toxicity endpoint of concern
  - Compared with policy tool known as “level of concern”
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# How are Pesticides Registered?

- Registrant driven
  - Based on EPA risk assessments
  - Following data requirements set forth at 40 CFR 158
  - Risk/Benefit
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# Types of Registrations

- Section 3 – Registration
  - Section 4 - Re-registration
  - Section 5 – Experimental Use Permits
  - Section 18 – Crisis/Emergency Exemptions
  - Section 24(c) – Special Local Needs
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# Registration of Pesticides-Section 3

- New pesticides or new uses of existing pesticides
  - Registration Requirements
    - Required test data (40 CFR 158)
    - Information on manufacturing
    - Chemistry
    - Human & ecological risk assessment
    - Tolerance information
    - Labeling information
  - Full or Conditional
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# Re-registration-Section 4

- All pesticides registered prior to 1984
  - Ensure data supporting registration remains current;
  - Ensure older pesticides consider the human & ecological effects;
  - Reduce risks;
  - Assess/Reassess tolerances.
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# Experimental Use Permits-Section 5

- Authorizes field testing and use of unregistered pesticides
  - >10 acres of land
  - 1+ acre of water
- Limited sale & distribution



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# Exemptions-Section 18

- Allows for states & federal agencies to apply a pesticide for an unregistered use if an “emergency” exists
    - What is an emergency?
      - Ongoing or anticipated pest outbreak;
      - Without treatment significant economic or health problems would result;
      - Time does not allow for normal registration
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# Authority of States-Section 24

- Section 24(c) allows states to identify a “special local need”
    - Existing or imminent pest problem
    - If not disapproved becomes part of Section 3 registration
    - EPA has 90 days to approve or disapprove
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# Other Pertinent FIFRA Sections

- Section 11
- Section 12
- Section 14
- Section 20



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# Use of Restricted Pesticides; Applicators-Section 11

- Establishes certification processes
    - Federal
    - State
  - Development of State plans
  - Provides instruction on integrated pest management
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# Unlawful Acts-Section 12

- 12(G) use any registered pesticide in any manner inconsistent with its labeling
  - The label is the law!!!!!!



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# Penalties-Section 14

- Civil
    - \$5,000.00 each offense for registrants, commercial, wholesalers, retailers, etc.
    - \$1,000.00 each offense for private applicators
  - Criminal
    - \$50,000.00 and 1 year for any registrant, applicant, or producer
    - \$25,000.00 and 1 year for any commercial applicator
  - Administrative remedies – license revoked
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# Research & Monitoring-Section 20

- Research
    - Conduct research consistent with purpose
    - Investigate IPM
  - National Monitoring Plan
  - Monitoring
    - Incidental pesticide exposure
    - Environmental pesticide pollution
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# Required Pesticide Label Sections

- Brand or Trade name - identifies the manufacturer's product
  - Ingredient Statement
    - Active ingredient (AI)-The percent active ingredient must be included on the label.
    - Inert ingredients - Ingredients in a pesticide product that are not pesticidally active.
  - Net Contents
  - Registration number
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# Required Pesticide Label Sections

- Establishment number - where the pesticide was made
  - Type of pesticide and formulation
  - Classification - Pesticide products are “General Use” unless the label says "Restricted use".
  - Signal word or symbol - indicates how toxic a product is.
    - **Danger** or **Danger-Poison w/ Skull and Crossbones** (highly toxic)
    - **Warning** (moderately toxic)
    - **Caution** (slightly toxic).
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# Required Pesticide Label Sections

- **Precautionary statement - Describes the hazards associated with the chemical and specific precautions/actions that must be taken.**
    - **Hazards to humans and domestic animals statement**
    - **First aid statement**
    - **Environmental hazards statement**
    - **Physical or chemical hazards statement**
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# Required Pesticide Label Sections

- Directions for use
    - **Use classification statement** (if applicable): The phrase: “Restricted Use Pesticide.”
    - **Misuse and related statements**: The statement: “It is a violation of federal law to use this product in a manner inconsistent with its labeling.”
    - **Worker Protection Standard (WPS) requirements (more later)**
    - **“Application Directions subheading”**
    - **Use restrictions**
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# Required Pesticide Label Sections

- Directions for use (cont.)
    - **Resistance**
    - **Chemigation information**
    - **Spray drift information**
    - **Endangered species statement**
  - Storage and Disposal
  - Warranty Statement
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# Required Pesticide Label Sections

- Worker Protection Standard (WPS) requirements
    - Handler personal protective equipment (PPE) statement
    - User safety requirement statements that address how to handle contaminated PPE
    - Engineering controls statement: Describes any reductions or modifications to handler PPE requirements that may be made in the presence of certain engineering controls
    - User safety recommendations
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# Questions?

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