

## ● FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

*STATUTORY CITATION:* 7 USC §§ 136 – 136y

*RELATED REGULATIONS:* 40 CFR Parts 156 and 171

*GENERAL SUMMARY:* The Federal Insecticide, Fungicide, and Rodenticide Act (1) establishes standards for the registration and labeling of pesticide products, (2) requires the certification of commercial and private applicators of restricted-use pesticides, (3) imposes recordkeeping duties on certified commercial applicators, and (4) forbids applicators from engaging in certain prohibited acts. FIFRA gives the administering agency broad authority to prescribe regulations to implement and enforce the Act.

### *SPECIFIC TERMS AND CONDITIONS*

**PESTICIDE LABELING** — Every pesticide product made, sold or used in the United States must be labeled in accordance with standards prescribed in the Act. Among other required information, the label must contain (1) a statement of ingredients, (2) a statement of the use classification (general, restricted, or both) under which the product is registered, (3) the name and address of the manufacturer or registrant, and (4) if the product contains any highly toxic substance, the skull-and-crossbones symbol, the word "Poison" in red letters, and a statement of practical treatment in case of poisoning.

**CERTIFICATION OF APPLICATORS** — Any individual who uses or supervises the use of a restricted-use pesticide must be certified to do so, either by the U.S. Environmental Protection Agency or by a state agency designated for that purpose under a federally approved plan for applicator certification. As described in brief below, each applicant for certification must demonstrate competency in the use and handling of pesticides.

**Commercial Applicators** — All commercial-class applicants (which include persons who, for compensation, use or supervise the use of restricted pesticides in the production of agricultural commodities) must receive a passing score on a written examination covering (1) pesticide labeling and labeling comprehension, (2) safety hazards and corresponding precautions and first-aid procedures, (3) the environmental consequences of the use and misuse of pesticides, (4) recognition and biology of pest organisms, (5) pesticide types and characteristics, (6) pesticide equipment, (7) application techniques, including prevention of drift, (8) pesticide laws and regulations, (9) the responsibilities of supervisors of non-certified applicators, and (10) professionalism in pesticide-related security and communication. Applicants seeking certification as commercial agricultural pest control applicators must, in addition, evidence practical knowledge of crops and the particular pests commonly associated with each crop, soil and water problems, pre-harvest application intervals, re-entry intervals, and the potential for environmental contamination, non-target injury, and community problems resulting from the use of pesticides in agricultural areas.

**Private Applicators** — Applicants for certification as private applicators (which include agricultural producers who use or supervise the use of restricted-use agricultural pesticides on their own property, or on another person's property if such services are not performed for hire) must demonstrate practical knowledge of agricultural pest control and the use of restricted pesticides. These competencies include (1) understanding product labels and labeling information, (2) common routes and symptoms of pesticide exposure, precautions for preventing pesticide injuries, and procedures for responding to pesticide accidents, (3) the potential environmental consequences of pesticide misuse, (4) identification and effective control of agricultural pests, (5) the characteristics of pesticides, (6) the types, use, maintenance and calibration of pesticide equipment, (7) application methods, (8) state and federal pesticide laws and regulations, (9) the responsibilities of supervisors of non-certified applicators, (10) stewardship in pesticide-related security and communication, and (11) knowledge of ag-specific pests, avoiding contamination of ground and surface water, and understanding of pre-harvest and restricted-entry intervals.

**RECORDKEEPING** — Every certified applicator of restricted-use pesticides is required to maintain true and accurate records of the use of restricted-use pesticides, including (1) the name and address of the person for whom the pesticide was applied, (2) the location of the pesticide application, (3) the target pest, (4) the specific crop and site to which the product was applied, (5) the date and time of application, (6) the trade name and EPA registration number of the pesticide applied, (7) the dosage used, and (8) the amount of product disposed of, method of disposal, date of disposal, and location of the disposal site. Commercial applicators must make such records available for inspection and copying by representatives of the enforcement agency for a period of at least 2 years from the date of the pesticide's use.

**PROHIBITED ACTS** — Among other unlawful activities, pesticide applicators in all classifications are forbidden from using any registered pesticide in a manner inconsistent with its labeling, failing or refusing to keep required records, making false records or reports, failing to comply with any restrictions in a duly issued certificate, or violating any provision of the Act or the regulations.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — Any state which has adopted adequate pesticide use laws and regulations, establishes and implements adequate procedures for their enforcement, and agrees to maintain records and make reports as required, may enter into a cooperative agreement with the federal government for the enforcement of pesticide use restrictions. Under terms of such an agreement and in accordance with an EPA-approved state plan, the state is regarded as having primary enforcement responsibility for pesticide use violations.

All states except Wyoming currently exercise primary enforcement responsibility for pesticide violations under the

## U.S. / Pesticides & Agricultural Chemicals / General Application Standards

Federal Insecticide, Fungicide, and Rodenticide Act. For state enforcement agency identification and contact information, see the first entry under "*Pesticides & Agricultural Chemicals*" for each state.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *Office of Pesticide Programs, Office of Chemical Safety and Pollution Prevention, U.S. Environmental Protection Agency, Washington, D.C. 20460 (703-305-7090)*. In those states which have not been granted primary enforcement responsibility, and in any other state where EPA finds that the cooperating state agency has failed to take warranted enforcement action, EPA may exercise its enforcement powers directly. EPA compliance personnel are authorized to investigate complaints of misuse of pesticide products and for such purposes may enter fields and other workplaces, interview workers and employers, and inspect and copy records. After notice and opportunity for a hearing, the agency may assess civil money penalties against commercial and private applicators found to have violated any provision of the Act. Criminal penalties are also prescribed.