



# **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) General Overview**

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# General Information

- **What is a Pesticide?**

- In the U.S., a pesticide is defined as any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
- Examples include: insecticides, herbicides, fungicides, plant growth regulators, rodenticides, antimicrobials, biochemicals, plant incorporated protectants (PIPs), etc.

- **Why do we regulate pesticides?**

- To ensure the pesticide will not pose an unreasonable risk to public health and the environment.



# Pesticide Legislation

- Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)
  - Registration/Licensing, registration review
- Federal Food, Drug, and Cosmetic Act (FFDCA)
  - Tolerances/maximum residue levels (MRLs) for residues in food
- Food Quality Protection Act (FQPA)
  - Primarily amended FFDCA by establishing new standard
- Pesticide Registration Improvement and Renewal Act (PRIA 1, 2, 3, 4 & 5)
  - Amended FIFRA by adding registration fees and decision review periods
- Endangered Species Act (ESA)
  - Protect endangered wildlife and plants

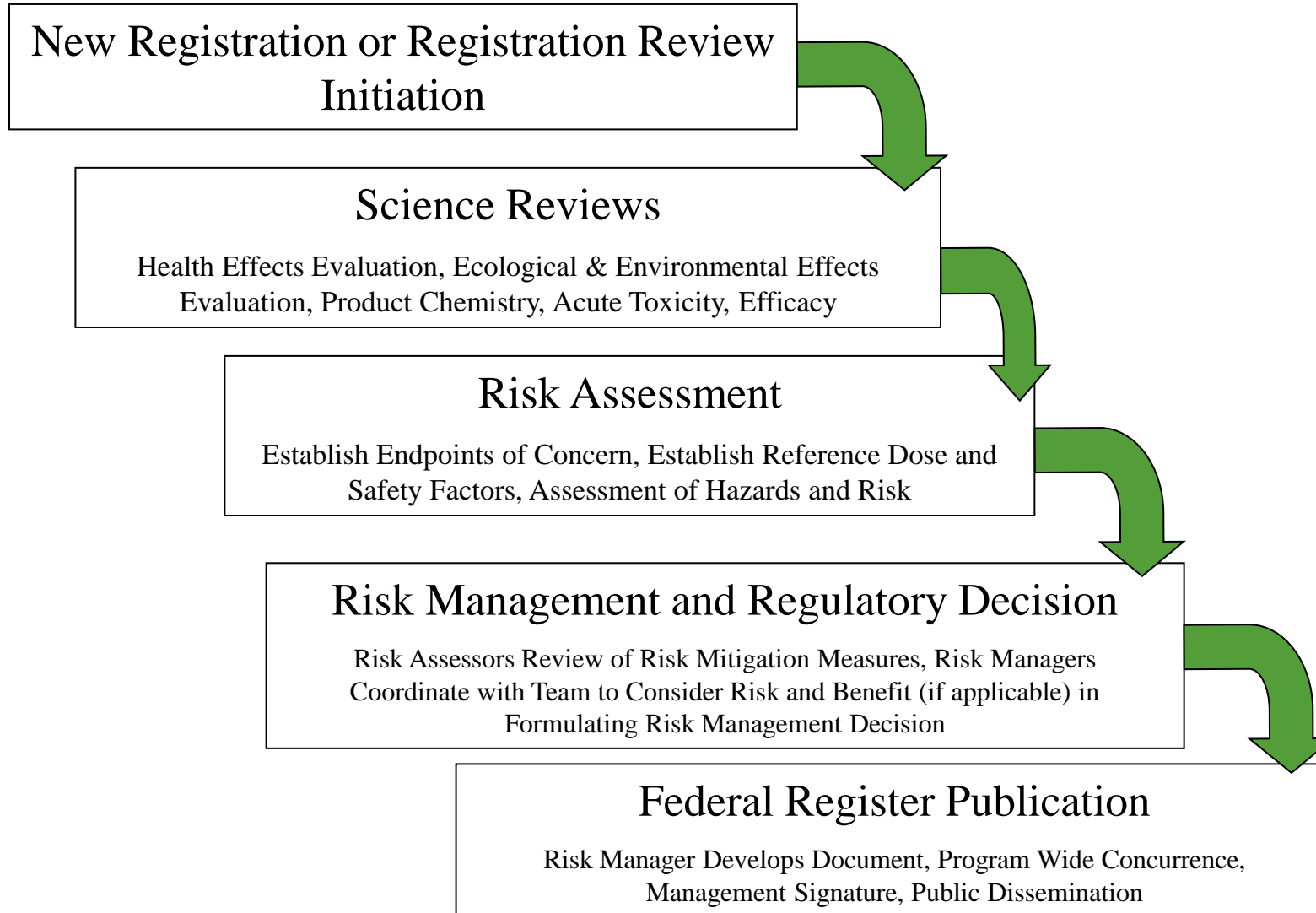


# Registration of Pesticides

- No person in any State may distribute or sell to any person any pesticide that is not registered pursuant to [§3 of FIFRA](#).
- [Pesticide Registration](#) is the scientific, legal, and administrative procedure through which EPA examines the ingredients of the pesticide; the particular site or crop where it is to be used; the amount, frequency, and timing of its use; and storage and disposal practices.
- EPA reviews each registered pesticide at least every 15 years to ensure that each pesticide can carry out its intended function(s) without creating unreasonable adverse effects to human health and the environment. ([Registration review](#))
- EPA planned actions are in the [Registration Review Schedules](#).
- The registration process determines the label requirements and the label is what is enforced. “The label is the law”.



# Overall Pesticide Registration and Registration Review Process





# How EPA Implements Registration and Registration Review Decisions

- **Pesticide Labels (40 CFR Part 156)**
  - EPA's risk management decisions in registration and registration review are reflected on product labels: "The label is the law"
- **Training and Certification**
  - To help ensure agricultural pesticides are used safely, EPA has regulations to require training for agricultural field workers and certification of pesticide applicators
- **Communication and Outreach**
  - OPP provides an array of materials to help pesticide users and the general public understand how to use pesticides safely, and what are alternative approaches to address pest problems
- **Compliance and Enforcement**
  - EPA regional staff working with their state colleagues provide technical assistance to the regulated community and enforce label requirements



# Pesticide Labels

- EPA reviews pesticide product labels as part of the licensing/registration process.
- EPA must approve all label language before a pesticide can be sold or distributed in the United States.
- The overall intent of the label is to provide clear directions for effective product performance while minimizing risks to human health and the environment.
- It is a violation of federal law to use a pesticide in a manner inconsistent with its labeling.
- The courts consider a label to be a legal document.





# How OPP Implements Registration and Registration Review Decisions

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# Training and Certification

- Restricted Use Pesticides (RUPs) (FIFRA §11):
  - EPA establishes the certification standards, but any State with a State Certification Plan approved by EPA can establish its own program, if the program meets EPA standards.
  - Each State must submit a plan for applicator certification to the EPA Administrator for approval.
  - If EPA does not approve the plan, then EPA conducts the certification program for all applicators of registered pesticides.
- Certification of Pesticide Applicators Rule (updated in 2017)
  - Required every state and tribe that operates a certification program to update their plans based upon new standards and resubmit for EPA approval.
- Agricultural Worker Protection Standard (WPS) (updated in 2015)
  - The WPS aims to reduce pesticide poisonings and injuries among agricultural workers and pesticide handlers.
  - Strengthened elements of the existing regulation, such as training, notification, pesticide safety and hazard communication information, use of personal protective equipment, and the providing of supplies for routine washing and emergency decontamination.



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- **Communication and Outreach**
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# EPA Communication and Outreach

- Pesticide Program Dialogue Committee is a forum of diverse stakeholders who provide feedback to EPA on various pesticide regulatory, policy, and program implementation issues.
- National Pesticide Information Center (NPIC), which provides objective, science-based information about pesticides and pesticide-related topics to enable people to make informed decisions.
- Pesticide Safety Education Programs (PSEPs), who teach pesticide safety across the country to workers and target communities.
- Pesticide Educational Resources Collaborative (PERC) which coordinates the development of national pesticide-related educational resources.



# How OPP Implements Registration and Registration Review Decisions

- Pesticide Labels
  - EPA's risk management decisions in registration and registration review are reflected on product labels: "The label is the law"
- Training and Certification
  - To help ensure agricultural pesticides are used safely, EPA has regulations to require training for agricultural field workers and certification of pesticide applicators
- Communication and Outreach
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- **Compliance and Enforcement (FIFRA §12, §13 and §14)**
  - "The label is the law"
  - EPA staff work with their state colleagues provide technical assistance to the regulated community and enforce label requirements



# FIFRA Roles and Responsibilities EPA Headquarters

## ▪ Office of Pesticide Programs:

- Conducts new registration and registration reviews of pesticides.
- Establishes national rules, regulations, and guidance documents to implement FIFRA.
- Collaborates with a variety of stakeholders on science issues and policy development.
- Meet milestones and statutorily mandated deadlines for regulatory actions

## ▪ Office of Enforcement and Compliance Assistance

- Enforces requirements under the FIFRA that govern the distribution, sale and use of pesticides.
- Establishes a national compliance monitoring program which includes inspecting facilities, reviewing records and taking enforcement action where necessary.
- The FIFRA compliance assistance program provides businesses, federal facilities, local governments and tribes with tools to help meet environmental regulatory requirements.



# FIFRA Roles and Responsibilities

## EPA Region 8

- Oversight of Delegation of Authority to States
  - Manage state and tribal pesticide grants
  - Reporting Requirements
- Programmatic Activity Outreach and Technical Assistance
- Enforcement and Compliance Assistance
  - Compliance assistance, compliance monitoring, case development and enforcement, etc.
- Direct Implementation - Wyoming & in Indian country
  - Implements Certification and Training in Indian country.



# FIFRA Roles and Responsibilities States

- EPA and State Relationship
  - Implementation is a shared responsibility of state and federal government.
  - States and the federal government leverage expertise and resources.
  - Early and meaningful engagement between EPA and states.
- States who have been delegated primacy have:
  - Primary enforcement responsibilities ([FIFRA §26](#))
  - Applicator certification and training programs
  - May regulate pesticide sales and use within their borders ([FIFRA §24](#))
  - May have registration requirements equivalent to or more stringent





# FIFRA Roles and Responsibilities States

- FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule
  - Governs how the Agency oversees the states
- EPA's FY 2022-2025 FIFRA Cooperative Agreement Guidance
  - Identifies the pesticide program and compliance and enforcement program areas that must be addressed in state cooperative agreements.
- OECA's 2015 Compliance Monitoring Strategy (CMS) for FIFRA
  - Provides a multi-year framework and national guidance for the FIFRA compliance assurance program to achieve the goals of FIFRA compliance monitoring and enforcement.

# Questions?

