

# Federal Insecticide, Fungicide, and Rodenticide Act\*

## 7 U.S.C. §§136-136y

### Registration of pesticides

No person may distribute or sell a pesticide unless, subject to certain exceptions, it is first **registered** with the Administrator of EPA. [FIFRA §3(a)]

The statute establishes the necessary steps for registration, including submission to EPA of a statement containing information such as the name of the applicant, the name of the pesticide, the label for the pesticide and directions for its use, the formula of the pesticide, and the use for which it is to be classified. [FIFRA §3(c)(1)]

The Administrator may allow minor use crop pesticides to remain on the market while required data is gathered, or the Administrator may waive data requirements for minor crop pesticides that meet certain use or risk requirements. [FIFRA §3(c)(2)(B)]

The Administrator shall expedite review and registration of minor use pesticides by completing review within 12 months of a final application. [FIFRA §3(c)(3)(C)]

The Administrator shall expedite the review of pesticides used to mitigate or protect against microbiological organisms. [FIFRA §3(h)]

The Administrator shall publish guidelines specifying the kinds of information that will be required to support the registration of a pesticide. [FIFRA §3(c)(2)]

The requirements for registration include proper **labeling** and an absence of **unreasonable adverse effects** on the environment when the pesticide is used in accordance with commonly recognized practice. [FIFRA §3(c)(5)]

Under certain special circumstances, the Administrator may conditionally register or amend the registration of a pesticide. [FIFRA §3(c)(7)]

A pesticide will receive **expedited review** of registration if use of the pesticide may reasonably be expected to accomplish one or more of the following: reduction of the risks pesticides pose to human health; reduction of the risks pesticides pose to nontarget organisms; reduction of the potential for contamination of groundwater, surface water, or other valued environmental resources; or increased adoption of integrated pest management strategies. [FIFRA §3(c)(10)]

As part of the registration of a pesticide the Administrator shall **classify** it as being for general use, restricted use, or both. A classification of restricted use is necessary when the pesticide requires additional regulatory restrictions to avoid unreasonable adverse effects on the environment, including injury to the applicator. [FIFRA §3(d)(1)]

The Administrator shall establish a procedure for the **periodic review** of the registration of pesticides. [FIFRA §4(g)]

The Administrator shall **reregister**, according to a schedule established under the statute, each registered pesticide containing an active ingredient first registered before November 1, 1984. [FIFRA §4(a)]

The Administrator may extend the deadline for the production of reregistration data for minor use pesticides. [FIFRA §4]

The statute authorizes EPA to charge **fees for reregistration**, but the Administrator may exempt public health pesticides from reregistration fees. [FIFRA §4(i)]

### Experimental use permits

The Administrator may issue an **experimental use permit** if the applicant needs a permit in order to accumulate information necessary to register a permit for general or restricted use. [FIFRA §5(a)]

The Administrator (or an authorized state) may prescribe terms and conditions for the use of a pesticide under an experimental use permit. [FIFRA §5(c) & (f)]

### Cancellation and suspension of permits

The Administrator may permit the continued sale and use of the existing stock of a pesticide with a suspended or canceled registration if the Administrator determines that such use or sale is not inconsistent with the purposes of FIFRA. [FIFRA §6(a)(1)]

If at any time after registration the registrant has additional information concerning the pesticide's unreasonable adverse effects on the environment, the registrant must submit such information to the Administrator. [FIFRA §6(a)(2)]

The Administrator may also cancel or change a pesticide's registration if it appears that it violates the statute or generally causes unreasonable adverse effects on the environment when used in accordance with commonly required practice. [FIFRA §6(b)]

No order of suspension may be issued unless the Administrator has issued, or at the same time issues, a notice of intention to cancel the registration or change the classification of the pesticide. An emergency order may be issued and registration may be suspended immediately without a notice of intention to cancel or change the classification of the pesticide if the Administrator determines that suspension is necessary to prevent an imminent hazard to human health. If no notice of intention to cancel the registration or change the classification is issued within 90 days, the emergency

order expires. The registrant shall have an opportunity for expedited Agency hearing on the question of whether an imminent hazard exists. [FIFRA §6(c)]

### Registration of establishments

No person shall produce a pesticide unless the establishment in which it is produced is registered with the Administrator. [FIFRA §7(a)]

A producer operating a registered establishment shall provide the Administrator with certain information about the pesticides produced by the establishment. [FIFRA §7(c)]

### Certification of applicators

Restricted use pesticides may require application by a **certified applicator**. The statute provides for the procedures by which applicators may be certified and authorizes the operation of state certification plans. [FIFRA §11]

### Inspection and enforcement

The Administrator may prescribe regulations requiring producers to maintain records of their operations. [FIFRA §8(a)]

Producers, carriers, and sellers of pesticides shall, on EPA's request, furnish access to certain records and information concerning the pesticides that they handle. [FIFRA §8(b)]

The statute authorizes entry and inspection of establishments under certain circumstances. [FIFRA §9(a)]

The statute authorizes the Administrator to issue "stop sale, use, or removal" orders or seize pesticides under certain circumstances. [FIFRA §9(b)]

The statute provides for **civil and criminal penalties** for certain violations. [FIFRA §14]

### Indemnities

The Administrator shall under limited circum-

stances **indemnify** a registrant or owner of a pesticide where the pesticide's registration has been suspended or cancelled.

### Imports and exports

Pesticides intended solely for **export** are exempt from many of the requirements of the statute, including registration (where the foreign purchaser has signed a statement acknowledging that he understands that the pesticide is not registered), but producers are still subject to registration of establishments. [FIFRA §17(a)]

Pesticides **imported** from foreign countries may be refused admission following inspection by EPA. [FIFRA §17(c)]

### Authority of states

A state may regulate the sale or use of any federally registered pesticide only to the extent that the regulation does not permit any sale or use prohibited by FIFRA. [FIFRA §24(a)]

A state may not impose any labeling or packaging requirements different from those required under FIFRA. [FIFRA §24(b)]

A state may provide registration for additional uses of federally registered pesticides formulated for distribution and use within the state to meet special local needs in accord with the purposes of FIFRA, and if registration for such use has not been denied or canceled by the Administrator. [FIFRA §24(c)(1)]

A state may have primary enforcement responsibility for pesticide use violations where the state has entered into an enforcement cooperative agreement with the Administrator, or where the Administrator determines that the state has adequate laws, regulations, and enforcement procedures. [FIFRA §§23(a) & 26(a)]

Each state may establish minimum requirements for the training of maintenance applicators and service technicians. [FIFRA §31]