

Present Status Of The FEPCA

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INTRODUCTION

The Federal Environmental Pesticide Control Act (FEPCA) was signed into law October 21, 1972. FEPCA is an amendment to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). FIFRA was primarily a labeling law and regulated the sale and distribution of pesticides only if they were shipped interstate. FEPCA is a more comprehensive and regulatory law. It provides for Federal control over shipment, distribution, sale and use of all pesticides both interstate and intrastate.

REGISTRATION

In the period of 2 to 4 years from enactment of the FEPCA all pesticides will be registered Federally. Pesticides which may cause substantial adverse effects on the environment . . . shall be applied subject to such other restrictions as the Administrator may determine. The House Committee interpreted this to mean issuing of licenses, permits, certified use, registration of sales, etc.

The Environmental Protection Agency has authority to proceed against persons who engage in misusing pesticides by applying them in a manner inconsistent with labeling.

Some parts of this new law that affect an applicator and seller are:

1. All pesticides in trade in the U.S. must be registered by EPA.
2. Pesticides will be classified into two categories:
 - a. General—Can be used by general public.
 - b. Restricted Use—Used by certified applicators only. There are two reasons why a pesticide will be classified for restricted use:
 - (1) Environmental Hazard—The pesticide is residual, the effects on non-target organisms and/or accumulates in the food chain.
 - (2) Human Hazard—Toxicity to mammals.
3. Certification of Applicator
 - a. EPA to set up minimum standards—states submit certification plan to EPA and it is approved by EPA. States do the certification.
 - b. To be certified individuals must be determined to be competent with respect to use and handling of pesticides or class of pesticides covered by his certification. There will be different classes of certified applicators.
 - c. Certified applicators are authorized to use or supervise the use of restricted pesticides. Need to be certified only if you use restricted-use pesticides.
 - d. Commercial Applicator — A certified applicator

who uses or supervises the use of any pesticide classified as restricted use for any purpose or on any property other than provided under private applicator.

- e. Private Applicator — A certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity (farmer) on property owned or rented him or his employer or on the property of another person if applied without compensation other than trading services between producers of agricultural commodities.
- f. Requires pesticide-producing establishments to be registered. Requires producers to maintain records of manufacturers and shipment of pesticides, not included are financial or pricing data.
- g. Provides for indemnity payments to persons who owned any quantity of pesticides and suffered losses by reason of suspension or cancellation of the registration.
- h. Provides for the establishment of procedures and regulations for storage and disposal of pesticide containers and excess pesticides.
- i. Provides for criminal and civil penalties for violation of the Act. This includes manufacturers, sellers and users of pesticides.
- j. Any state may impose greater regulations on sale or use of a pesticide than set by the Federal Government.
- k. A state may provide registration for pesticides formulated for distribution within the state to meet special local needs if the state is certified by the Administrator as capable of exercising adequate control.
- l. EPA is authorized to enter into cooperative agreements with states for enforcement of the Act and for training and certifying applicators.
- m. Two important unlawful acts pertaining to applicators and sellers of pesticides:
 - (1) To make available for use or to use any registered pesticide classified for restricted use for some purpose other than by a certified applicator. This will take effect after products have been classified restricted or general use and applicator certification is in force (2 to 4 years).
 - (2) Effective now. It is an unlawful act to use any registered pesticide in a manner inconsistent with its labeling.

IMPLEMENTATION OF THE ACT

All provisions of the old FIFRA will remain in effect until regulations of the new law take effect. But the whole Act will be fully in force by October 1976.

1. During the first year (October 1973), EPA must develop and make effective regulations for:
 - a. Registration of manufacturing plants.
 - b. Keeping of books and records required by the Act.
2. During the second year (October 1974), EPA must:
 - a. Promulgate regulations for classification of pesticides into general or restricted-use categories.
 - b. Prescribe standards for certification of applicators.
3. During the third year (October 1975), EPA must:
 - a. Begin classifying pesticides in categories.
 - b. States complete submission of plans for certification of applicators (EPA has one year to approve or disapprove state plans).
4. By the end of the fourth year (October 1976), EPA must:

- a. Certify all applicators.

- b. Complete reclassification of all pesticides.

Your input into administrative decisions is also encouraged, i.e., possible cancellation of a product or product use. No longer is it sufficient to let the producing company carry the ball.

Grower and user groups must express a sincere interest and offer facts relevant to the decisions. If sufficient interest exists, local hearings can be held. That is, the hearing officer will come into the area to hold the hearings.

Third party participation is encouraged by users and by public interest groups.

EPA is one of the Federal agencies that is dedicated to regionalization. That is, it wants to move more responsibility out of Washington to the regions. The regional offices in the South are located in Dallas and Atlanta. Questions pertaining to environmental problems or EPA programs should be directed to the regional office.