Laws and Regulations

EPA

The Federal Insecticide, Fungicide, and Rodenticide Act as Amended

EPA

The Worker Production Standard for Agricultural Pesticides

How To Comply

What Employers Need To Know
Learning Objectives

After you complete your study of this unit, you should be able to:

- Have a general understanding of the types of laws and regulations that may affect private pesticide applicators.
- Be aware of the importance of having up-to-date knowledge about how to comply with all laws and regulations that affect your own operation.

Terms To Know

**DOT** — U.S. Department of Transportation.

**EPA** — U.S. Environmental Protection Agency.

**FAA** — Federal Aviation Administration.

**FIFRA** — Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

**OSHA** — Occupational Safety and Health Administration, part of the U.S. Department of Labor.


**SARA** — Superfund Amendments and Reauthorization Act — amendments to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

**USDA** — U.S. Department of Agriculture.

**WPS** — Worker Protection Standard for agricultural pesticides.
Many Federal laws and regulations have been adopted to help protect the public, the environment, pesticide handlers, and agricultural workers from possible adverse effects caused by pesticide use. This unit briefly describes some of those that are likely to affect many private pesticide applicators. You may need to learn more about the laws and regulations that apply to your specific situation.

Most States, Tribes, and many local areas have their own legal requirements concerning pesticide use. You are responsible for knowing about these requirements and complying with them.

Be sure to keep up to date with legal requirements at all governmental levels — laws and regulations are constantly evolving as pesticide application becomes more complex and more is learned about potential hazards. Ignorance of the law is never an accepted excuse for a violation.

FIFRA

A law passed by Congress in 1947 and substantially amended in 1972, 1975, 1978, and 1988 regulates the registration, manufacture, sale, transportation, and use of pesticides. The Federal Insecticide, Fungicide, and Rodenticide Act is commonly referred to by its initials — FIFRA. It is administered by the U.S. Environmental Protection Agency (EPA).

Major Provisions of FIFRA

FIFRA affects certified applicators in many ways. For example, it provides that:

■ EPA must register pesticides and pesticide uses.

■ All pesticides must be used only as directed on the labeling.

■ EPA must classify as “restricted use” those pesticides which, even when used as directed on the product labeling, may cause unreasonable adverse effects to the environment, including humans.

■ Anyone who buys or uses a restricted-use pesticide must be certified in an applicable pest control category or be directly supervised by a person with such certification.

■ States may establish stricter standards governing pesticides, but not more permissive standards.

■ Persons who use pesticides in a way that is “inconsistent with the pesticide labeling” are subject to penalties.
Penalties Under FIFRA

If you violate FIFRA, or regulations issued under it, you are subject to civil penalties. Penalties can be as much as $1,000 for each offense for private applicators ($5,000 for commercial applicators). Before EPA can fine you, you have the right to ask for a hearing in your own city or county.

Some violations of the law also may subject you to criminal penalties. These can be as much as $1,000 and/or 30 days in prison for private applicators ($25,000 or 1 year in prison, or both, for commercial applicators). States may establish higher penalties.

Residues and Tolerances

Any pesticide that remains in or on food or feed is called a residue. A long-lasting residue is sometimes desirable for long-term pest control. Residues that remain in food or feed at harvest or slaughter, however, are carefully monitored to avoid hazards to the humans and domestic animals that will eat them.

The Federal government sets residue tolerances for all pesticides used in the production of crop and animal products intended for food or feed, and for pesticides applied after harvest. A tolerance is the maximum amount of pesticide residue that may legally remain on or in treated crops and animals (and animal products, such as milk or eggs) that are to be sold for food or feed.

Federal agencies monitor food and feed products for tolerance violations. Any products that exceed the tolerances may be condemned and seized, and violators may be prosecuted.

A pesticide applicator cannot measure residues on crops and livestock, because such measurements require highly specialized equipment and techniques. Only by following labeling instructions can you be sure that treated products will have residues well below tolerance level when marketed. Especially important are instructions on correct application rate and on minimum days between the pesticide application and harvest, slaughter, freshening, or grazing.

Worker Protection Standard

The U.S. Environmental Protection Agency’s Worker Protection Standard (as revised in 1992) must be complied with when pesticide products are used on agricultural establishments (farms, forests, nurseries, and greenhouses) for the commercial or research production of agricultural plants. The Worker Protection Standard (WPS) requires employers to provide agricultural workers and pesticide handlers with protections against possible harm from pesticides. Persons who must comply with these instructions include owners/operators of the agricultural establishment and owners/operators of commercial establishments that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. You and any family members who work on your agricultural or commercial pesticide establishment are considered “employees” in many situations and must receive some of the required protections. Some of the basic requirements the WPS establishes for employers include:

- Displaying information about pesticide safety, emergency procedures, and recent pesticide applications on an agricultural establishment.
- Training workers and handlers about pesticide safety.
Helping employees get medical assistance in case of a work-related pesticide emergency.

- Setting up decontamination sites for washing pesticide residues off hands and body.
- Compliance with restricted-entry intervals — the time immediately after a pesticide application when workers may not enter the treated area.
- Notifying workers (through posted and/or oral warnings) about areas where applications are taking place and areas where restricted-entry intervals are in effect.
- Allowing only trained and equipped pesticide handlers to be present during a pesticide application.
- Providing personal protective equipment for pesticide handlers, and also for workers who enter pesticide-treated areas before expiration of the restricted-entry interval (in the few very limited circumstances permitted by the WPS).
- Protecting pesticide handlers by giving them safety instructions about the correct use of personal protective equipment and mixing, loading, and application equipment; inspecting and maintaining equipment they will be using; and monitoring them in hazardous situations.

For detailed information about your responsibilities under the WPS, get a copy of EPA's manual “Worker Protection Standard for Agricultural Pesticides — How To Comply.” It will tell you what you need to do to be in compliance with the Federal worker protection requirements. The manual may be available from EPA regional offices, State or Tribal pesticide agencies, Extension Services, pesticide dealers, the Government Printing Office, and other commercial sources.

Field Sanitation

The Field Sanitation Standard is a 1987 Occupational Safety and Health Administration (OSHA) regulation. In general, it applies to agricultural employers who employ more than 10 field workers or who maintain a labor camp. The Field Sanitation Standard requires these employers to provide three things to their employees who are exposed to agricultural chemicals: toilet facilities, hand-washing facilities, and clean drinking water. The Standard also requires the employers to inform each employee about the following good hygiene practices:

- Use the water and facilities provided for drinking, hand-washing, and elimination.
- Drink water frequently, especially on hot days.
- Urinate as often as necessary. Wash hands both before and after using the toilet.
- Wash hands before eating and smoking.

Pesticide Recordkeeping

A 1993 U.S. Department of Agriculture regulation requires certified private pesticide applicators to keep records of Federal restricted-use pesticide applications. This recordkeeping is administered by the USDA’s Agricultural Marketing Service. Where such records were already required by State law, applicators may continue to follow the State regulations. In other areas, applicators must begin keeping records that comply with the USDA requirements. You should be able to get details about the recordkeeping requirements from the Extension agricultural agent in your area or from your State agency in charge of pesticide
regulation. In general, the records you keep must contain:
- The brand or product name of the Federal restricted-use pesticide and its EPA registration number.
- The size of the area treated.
- The total amount of product applied.
- The crop, commodity, stored product, or site to which the pesticide was applied.
- The location of the application.
- The month, day, and year of the application.
- The certified applicator’s name and certification number (if numbers are assigned in your State).

There is no required form that you must use for this record-keeping. Any form is acceptable as long as the required information is included. You must keep the records for 2 years from the date of the pesticide application. If a commercial applicator performs work for you, that applicator must provide you with a written copy of the necessary information about the application. If you do not comply with the record-keeping requirements, you may be fined up to $500 for a first offense and not less than $1,000 for any later offense (unless it is determined that you have made a good-faith effort to comply).

- The vehicle must have a DOT-approved sign.
- The pesticides may not be hauled in the same vehicle with food or feed products or with packaging material intended for use with such products.
- You must contact DOT immediately after each accident: (a) when someone is killed, (b) when someone is injured badly enough to go to a hospital, or (c) when damage is more than $50,000.
- You must tell DOT about all spills during shipment.

Contact the State, tribal, or territorial DOT office for detailed information on which pesticides are listed as hazardous substances and what rules apply to them during transportation.

Aerial Application

Application of pesticides from airplanes is regulated by the Federal Aviation Administration (FAA) and may be regulated by your State. FAA judges both the flying ability of pilots and the safety of their aircraft. FAA rules say, as FIFRA does, that an aerial applicator may not apply any pesticide except as the labeling directs.

Other Regulations

Other Federal regulations may affect some of the tasks you perform as a certified private pesticide applicator. In some cases, the pesticide label will alert you to laws or regulations you must comply with. For more information about some laws that affect all categories of certified applicators, see the EPA/USDA manual “Apply Pesticides Correctly — A Guide for Private and Commercial Applicators.” It includes information about:
- The Endangered Species Act, a law that makes it a Federal offense to use any pesticide in a manner that results in the death of a member of an endangered species.
- Provisions of the Occupational Safety and Health Act that may require you to provide certain information to your workers and to keep records of pesticide-related injuries or illnesses.
- Provisions of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) relating to pesticide storage and spills.
- The Resource Conservation and Recovery Act (RCRA), which regulates the disposal of some pesticide wastes.

Transportation

Shipment of pesticides and other dangerous substances across State lines is regulated by the U.S. Department of Transportation (DOT). The DOT issues the rules for hauling these materials. If you ever haul pesticides between States, you should know that:
- The pesticides must be in their original packages. Each package must meet DOT standards.