



# **THE EVOLUTION OF PESTICIDE REGULATION**

**AND**

# **EPA'S PESTICIDE APPLICATOR CERTIFICATION PROGRAM**

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## Federal Insecticide Act, 1910

- Made illegal the manufacture and sale of misbranded and adulterated fungicides and insecticides
- Administered by USDA's Insecticide and Fungicide Board
- Consumer protection for pesticide buyers
- Numerous "Economic Poison Acts" in states

# Federal Food Drug and Cosmetic Act, 1938

- Provided the first statutory protection of human health from pesticides
- Administered by USDA's Food and Drug Administration
- 1939 – synthetic organic pesticides developed

## Post War Pesticide Use in the U.S.

- 1941 – DDT first used in the United States
- DDT used extensively in WW II for control of vector born diseases
- Annual U.S. DDT production increased from 10 million pounds in 1944 to 100 million pounds in 1951

# The Federal Insecticide, Fungicide, and Rodenticide Act, 1947

- Required product label registration prior to marketing of pesticide products
- Place the burden of documenting a product's efficacy and safety on the manufacturer
- Administered by USDA's Insecticide Division

# Food, Drug and Cosmetic Act Amendments

- Miller Amendment, 1954, provided for tolerance (maximum residue limits) setting prior to product registration
- Food Additives Amendment, 1958, established a zero tolerance for any deliberate food additive found to induce cancer when ingested by man or laboratory animals

## Publication of Rachel Carson's *Silent Spring*, 1962

- Rachel Carson argued that synthetic organic pesticides were under-regulated
- Not enough regulatory concern for minimizing chronic effects on man and the environment
- Pesticides are used largely by untrained persons

## FIFRA Amendment, 1964

- Closed some loopholes in the statute and shifted the burden of proof in enforcement hearings to the manufacturer
- Mandated that registration numbers appear on product labels



# The United States Environmental Protection Agency

- EPA is created in 1970 by the President Nixon's government reorganization plan
- Established a single, independent, executive branch agency as a focal point for environmental concerns

# Federal Environmental Pesticide Control Act - FIFRA Amendments 1972

- Gave EPA responsibility for pesticide product registration
- Requires pesticide applicators to follow all label directions
- Classifies pesticides for restricted use or general use
- Obligates states to adopt parallel laws
- Mandates states to establish applicator certification programs that, at a minimum, meet EPA requirements

## Implementation Through FIFRA Section 23

- FIFRA Section 23
  - (a) The Administrator **may** enter into cooperative agreements with States and Indian tribes ... to assist States in developing and administering State programs, and Indian tribes that enter into cooperative agreements, to train and certify applicators ...
  - (b) The Administrator **may** enter into contracts with Federal, State, or Indian tribal agencies for the purpose of encouraging the training of certified applicator
  - (c) (c) The Administrator **shall**, in cooperation with the Secretary of Agriculture, use the services of the cooperative State extension services to inform and educate pesticide users about accepted uses and other regulations made under this subchapter

## EPA Office of Pesticide Programs 1973 - 1975

- In 1974, certification standards are published in Title 40, Code of Federal Regulations, Part 171
- In 1975, state plans were approved for all but two states
- In 1976, training for certification and certification testing was begun

# The Regulation for Applicator Certification

- 40 CFR, Part 171 requires applicators to be certified as competent to apply restricted use pesticides in accordance with national standards set by EPA
- Certification programs are conducted by states, territories, and tribes.
- Certified applicators are classified as private and commercial.
- Private applicator is defined by regulation
- Standards for certification of private applicators are established by regulation

# The Regulation for Applicator Certification

- Commercial applicator is defined by regulation
- Standards for certification of commercial applicators are established by regulation
- States, territories & tribes are required to adopt the following pest control categories for commercial applicators: agricultural plant & animal, forest, ornamental & turf, seed treatment, aquatic, right of way, industrial, institutional, structural & health related, public health, regulatory, demonstration & research.
- A means to ensure continuing competency – recertification - is required

# Early Years of the Certification Program

- Commercial applicator testing viewed as a tool to encourage applicators to participate in classroom learning
- Commercial applicator training focused on owners, managers, salespeople, operators, consultants, researchers, extension professionals, and college students
- EPA passes money to the states through grants to help support state certification programs
- EPA passes money through USDA to state extensions services to provide the only federal funds supporting state level certification training

# Middle Years of the Certification Program

- Federal regulation is unchanged
- Many state regulations and programs evolve beyond the federal minimum standards
- EPA funds (appropriated / earmarked for states, discretionary for extension) remain static for states and extension services
- Review panel recommends federal regulatory change
- Proposed regulation change derailed by political reaction to the agricultural worker protection regulation
- No regular forum for certification issues discussion



## Recent Years of the Certification Program

- Commercial applicator testing is focused on competency assessment
- Commercial applicator training focused on workers, operators, and technicians
- CTAG (Certification & Training Assessment Group) is formed in 1997 to be an ongoing forum where program partners can discuss C&T issues and make recommendations to improve the national program
- Proposals for regulatory change are developed

# CTAG

## Certification & Training Assessment Group Web Site

- <http://www.ctaginfo.org>