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## **Florida Solid and Hazardous Waste Regulation Handbook: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)<sup>1</sup>**

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### **What Is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)?**

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) regulates pesticide sale, use, handling, and disposal.

Pesticide is broadly defined by the statute as any substance or mixture of substances intended to regulate, prevent, destroy, repel, or mitigate any pest or plant. Nitrogen stabilizers may be exempt from FIFRA if they are distributed and sold solely to prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria and for no other pesticidal purposes and meet some additional criteria.

Pest is defined by the statute as any insect, rodent, nematode, fungus, weed, or any other terrestrial or aquatic plant or animal life or virus, bacteria, or other microorganism, not living on a

human or other animal, declared by EPA to be a pest.

### **Who Enforces FIFRA?**

FIFRA is administered by EPA, but the statute specifies that states are to have primary enforcement responsibility if they demonstrate to EPA that they have adopted adequate regulations and enforcement mechanisms. Florida has entered into several cooperative agreements with EPA and is responsible for testing and training permit applicants. EPA now has only a supervisory position over those aspects. However, EPA's central office still regulates:

- the registration of pesticides.
- monitoring of pesticide producers.

### **What Are the Important Requirements of FIFRA?**

The statute requires that all pesticides be registered with EPA before they may be sold or used. A pesticide's registration may be canceled by EPA if

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the manufacturer fails to have it re-registered or if EPA later determines the pesticide to be harmful.

One of the most significant aspects of FIFRA is labeling requirements. Under FIFRA, pesticides must be labeled with the:

- ingredients.
- uses.
- EPA registration number.
- any necessary warnings or restrictions.
- usage instructions.
- disposal information.

It is a violation of FIFRA to use or dispose of a pesticide in a manner inconsistent with its labeling. In fact, the labeling requirements form the primary source for pesticide liability. This liability is not restricted to just FIFRA. Misapplying a pesticide might also leave you open to liability under RCRA, and CERCLA may require you to fix any damage caused by previous misapplications.

States may impose additional conditions on pesticide use where special problems related to their use are encountered.

### **What Are the General Categories for Permits?**

*General-use pesticides* may be applied by anyone and no permit is required, although the user must still comply with labeling requirements and other regulations.

*Restricted-use pesticides* may be applied only by the following types of applicators (or by persons working under their direct supervision):

- *Private applicators* who apply pesticides when producing an agricultural commodity on their own lands or on lands under their control.
- *Commercial applicators* who are required to have permits in order to apply pesticides to other people's lands in exchange for a fee.

*Experimental use pesticides* are unregistered pesticides that may only be applied by those who obtain an experimental use permit. These persons are usually manufacturers or researchers who test an unregistered pesticide in order to gather data to support its registration.

Applicators in each category are subject to separate testing and certification procedures and may be subject to different penalties for violations.

### **What Are the Disposal Requirements?**

You should dispose of pesticides in the manner specified on its labeling and as provided by state law. The federal requirements are summarized in this document.

#### **What Methods of Disposal Are Allowed?**

You may dispose of pesticides in the following manner:

- by burying it in a state landfill specially designated for that type of pesticide.
- by using a state-approved method to chemically deactivate the pesticide to make it environmentally safe.
- by following the state guidelines for disposal of the pesticide.

#### **What Methods of Disposal Are Prohibited?**

You may *not* dispose of pesticides or pesticide containers:

- in a manner inconsistent with the labeling.
- in a manner violating state law.
- in a manner that causes it to be openly dumped.
- by burning it (with the exceptions noted below).
- by placing it in any water body.

## How May I Dispose of Pesticide Containers?

Pesticide containers that are not disposed of properly are a source of nonpoint source pollution. The label on each pesticide container will have disposal instructions. You must dispose of the container in a manner consistent with these instructions.

All products intended for household use will have 1 of the following container disposal instructions:

- If the container is non-pressurized (e.g., a bottle, can, jar, or bag) and empty, place it in the trash or offer for recycling if a recycling program is available in your area.
- If the container is non-pressurized and partly filled, call your local solid waste agency or 1-800-CLEANUP for disposal instructions.
- If the container is pressurized and empty, recap and place in the trash or offer for recycling if a recycling program is available in your area.
- If the container is pressurized and partly filled, call your local solid waste agency or 1-800-CLEANUP for disposal instructions.

Note that previous instructions to rinse the containers and/or wrap in newspaper have been changed. These practices are no longer recommended for household products.

Products not intended for household use will have the following container disposal instructions:

- If the container is metal it must be:
  - pressure or triple rinsed, punctured and offered for recycling.
  - pressure or triple rinsed, punctured and disposed of in a landfill.
- If the container is plastic it must be:
  - pressure or triple rinsed, punctured, conditioned (by removing labels and sleeves, removing caps and handles not

made of high density polyethylene [HDPE], and cleaning the exterior), and offered for recycling.

- pressure or triple rinsed, punctured and disposed of in a landfill.
- pressure or triple rinsed and incinerated.
- pressure or triple rinsed and burned.
- If the container is glass it must be:
  - pressure or triple rinsed and offered for recycling.
  - pressure or triple rinsed and disposed of in a landfill.
- If the container is a paper or plastic bag, the contents must be completely emptied into the pesticide application equipment. The bag must be:
  - disposed of in a landfill.
  - incinerated.
  - burned.

See State Regulation (FE454) for burning requirements in Florida.

There is a national pesticide-container recycling program supported by the agrichemical industry. Pesticide-container collection sites currently exist in 22 counties in Florida. You can learn more about this program by contacting the Nonpoint Source Management Program at the Florida Department of Environmental Protection.

## What Are the Penalties?

Failure to follow the labeling instructions may subject you to fines under FIFRA as well as other statutes, such as the Food, Drug and Cosmetic Act, RCRA, OSHA, etc. Therefore, you should be very careful to comply with the usage and disposal information on the pesticide labeling to avoid severe sanctions.

Under FIFRA there are 2 basic categories of offenders for the assessment of penalties: commercial applicators and private applicators.

Commercial applicators, including wholesalers, dealers, retailers or distributors who violate FIFRA, the labeling instructions, or their permit restrictions, are subject to the following penalties:

- civil fines up to \$5000 per offense.
- criminal penalties up to \$25,000 and 1 year in prison for knowing or intentional violations.

Private applicators who violate FIFRA, the labeling instructions, or their permit restrictions are subject to the following penalties:

- a written warning for first-time violations.
- a civil fine up to \$1000 per offense for subsequent violations.
- criminal fines up to \$1000 per offense and 30 days in prison for knowing or intentional violations.

Applicators may also be assessed penalties for violations committed by people working under their direct supervision.

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This handbook is designed to provide an accurate, current, and authoritative summary of the principal Florida laws that directly or indirectly relate to agriculture. It should provide a basic overview of

the many rights and responsibilities farmers and farmland owners have under Florida laws. The reader is provided information about these rights and responsibilities and the appropriate contacts for more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this publication is based are subject to constant revision, portions of this publication could become outdated at any time. Many details of cited laws are also left out due to space limitations.

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