

The Florida Handbook of Solid and Hazardous Waste Regulation: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)¹

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What is the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)?

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

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
- intended for use as a plant regulator, defoliant or desiccant
- any nitrogen stabilizer

A substance classified as a “new animal drug” or animal feed under the Federal Food, Drug, and Cosmetic Act

(FFDCA) is not considered a pesticide for purposes of regulation under FIFRA.

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 actions affecting soil bacteria and for no other pesticidal purposes, and as long as they meet some additional criteria.

Pest is defined by the statute as one of the following:

- any insect, rodent, nematode, fungus, or weed
- any other terrestrial or aquatic plant or animal, or any virus, bacteria, or other micro-organism (not including those living on a human or other animal) declared by the Environmental Protection Agency (EPA) to be a pest

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Will my crop nutrients, fertilizers, and inoculants fall under FIFRA?

Some crop nutrients, fertilizers, or inoculants will not require adherence to FIFRA because they are specifically excluded as *not a pesticide*: (1) fertilizers that do not contain pesticides and are not intended for pest control, and (2) products intended to aid plant growth, such as:

- a plant-nutrient product consisting of one or more macronutrients or micronutrient trace elements necessary for the normal growth of plants and in a form readily usable by plants
- a plant-inoculant product consisting of microorganisms applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system
- a soil-amendment product containing a substance or substances added to the soil for the purpose of improving soil character

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, as well as enforcement and reporting mechanisms. Florida has entered into several cooperative agreements with EPA and is responsible for testing and training permit applicants. The Florida Department of Agriculture and Consumer Services (FDACS) handles the registration, monitoring, and enforcement of all pesticides distributed, sold, or offered for sale in Florida. However, EPA's central office still retains a supervisory role over these aspects.

What are the important requirements of FIFRA?

The statute requires that all pesticides be registered with EPA before they may be sold or used. EPA may cancel a pesticide's registration if 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 all of the following:

- ingredients
- uses and usage instructions
- EPA registration number

- any necessary warnings or restrictions for 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 FIFRA alone. Misapplying a pesticide might also leave you open to liability under RCRA (Resource Conservation and Recovery Act), and CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) and 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 FIFRA permits?

The general categories for FIFRA permits are *general-use pesticides*, *restricted-use pesticides*, and *experimental-use pesticides*.

General-use pesticides are classified as those found not to cause adverse effects on the environment. Pesticides in this category may be applied by anyone and no permit is required, although the user must still comply with labeling requirements and other regulations. Sometimes, however, a pesticide may be classified as a general-use pesticide for some uses and as a restricted-use pesticide for other uses. In such cases, the labeling and directions must be clearly separated and distinguished for each category of use.

Restricted-use pesticides are classified as those found to cause unreasonable adverse effects on the environment unless additional restrictions are imposed. These pesticides may be applied only by the following two types of applicators (or by persons working under their direct supervision):

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

Experimental-use pesticides are classified as 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 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 under FIFRA?

You should dispose of pesticides in the manner specified on the labeling. However, state and local laws regulating pesticide disposal may be stricter than federal regulations found on the label. Thus, it is best to check with your local solid waste agency, or telephone 1-800-CLEANUP, for the most appropriate means of disposing of a particular pesticide.

Federal disposal requirements vary by container type (see below). Never pour leftover pesticides down the drain because many municipal wastewater treatment systems are incapable of removing pesticide residues. When in doubt, contact your local solid waste agency.

What methods of disposal are allowed under FIFRA?

You may dispose of pesticides in one of the following ways:

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

What methods of disposal are prohibited under FIFRA?

You may not dispose of pesticides or pesticide containers in any of the following ways:

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

How may I dispose of pesticide containers under FIFRA?

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 one of the following four container disposal instructions:

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

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

Products *not intended for household use* that come in metal, plastic, or glass containers or in paper or plastic bags have the following container disposal instructions:

If the container is metal, it must be either pressure rinsed or triple rinsed and disposed of in one of two ways:

1. offered for recycling
2. punctured and disposed of in a landfill (except for aerosol cans)

If the container is plastic, it must be either pressure rinsed or triple rinsed and disposed of in one of three ways:

1. offered for recycling
2. punctured and disposed of in a landfill
3. burned, if allowed by state and local authorities

If the container is glass it must be either pressure rinsed or triple rinsed and disposed of in one of two ways:

1. offered for recycling

2. 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 and the bag disposed of in one of three ways:

1. offered for recycling, if available

2. disposed of in a landfill

3. burned, if allowed by state and local authorities

State of Florida burning requirements for pesticides are covered in [FE775](#) (Solid and Hazardous Waste Disposal).

There is a national pesticide container recycling program supported by the agrichemical industry. There are currently 18 pesticide container collection sites serving 25 counties in Florida. You can learn more about this program by contacting the Nonpoint Source Management Program at the Florida Department of Environmental Protection ([FE786](#), Contact Agencies).

What are the penalties under FIFRA?

Failure to follow the labeling instructions may subject you to fines under FIFRA, as well as other statutes, such as FFDCa (Federal Food, Drug, and Cosmetic Act); RCRA (Resource Conservation and Recovery Act); and OSHA (Occupational Safety and Health Act). Therefore, you should be very careful to comply with the usage and disposal information on the pesticide labeling to avoid severe sanctions.

Any registrant, applicant for registration, or producer who violates FIFRA may be subject to civil fines of up to \$5,000 per offense. Criminal penalties of up to \$50,000 and one year in prison may also attach for knowing violations of FIFRA.

In addition, *commercial applicators* and *private applicators* face more specific penalties.

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

- civil fines up to \$5,000 per offense
- criminal penalties up to \$25,000 and one year in prison for knowing or intentional violations

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

- a written warning or a civil fine up to \$500 per offense for first time violations
- a civil fine up to \$1,000 per offense for subsequent violations
- criminal fines up to \$1,000 per offense and 30 days in prison for knowing violations

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

What is the Worker Protection Standard (WPS) and does it apply to my workers?

The Worker Protection Standard (WPS) protects farm, forest, nursery, and greenhouse employees from exposure to agricultural pesticides while on the job. Specifically, two types of employees are covered:

1. *Pesticide handlers*—workers who mix, load, or apply agricultural pesticides; clean or repair pesticide application equipment; or assist with the application or disposal of pesticides in any way
2. *Agricultural workers*—workers who cultivate and harvest plants on farms or in greenhouses, nurseries, or forests, or anyone employed in tasks related to the production of agricultural plants on an agricultural establishment for any type of compensation, including those who are self-employed (tasks such as carrying nursery stock and repotting or watering plants count, while tasks involving office employees, truck drivers, mechanics, and any other workers not engaged in worker or handler activities do not count)

What is required of me under the WPS?

The current WPS requirements are as follows:

- worker protection (owners/applicators are prohibited from exposing workers or others to pesticides; this includes excluding workers from areas while pesticides are being applied)
- all restricted-entry intervals (owners/applicators have a duty to ensure that an area is labeled as restricted during certain intervals when it may pose a danger due to

pesticide exposure; workers are excluded from entering a pesticide-treated area during the restricted-entry interval, with only narrow exceptions)

- personal protective equipment (owners/applicators must provide and maintain personal protective equipment for handlers and early-entry workers)
- decontamination supplies (owners/applicators must have an ample supply of water, soap, and towels for routine washing, and an emergency decontamination area for workers)
- emergency assistance (owners/applicators must make transportation available to transport workers or handlers to an emergency health facility if they have been exposed)
- pesticide safety training (owners/applicators must provide training for all workers and handlers, and a pesticide safety poster must be displayed)

These restrictions change all the time, and new safety requirements are imposed as they become necessary. For instance, workers, handlers, and pilots using pesticides were not required to wear gloves until 2004.

Certain WPS exceptions exist for the following:

- wide-area public pest control (such as mosquito abatement programs)
- livestock
- plants grown for non-commercial uses (such as home gardens, ornamental gardens, parks, and public or private lawns)
- harvested plants or timber
- for control of vertebrate pests (unless directly related to agricultural production)
- on pasture and rangeland where the forage will not be harvested for hay
- for research uses of unregistered pesticides

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