

Environmental Management Program	Program #:	EMP-7.1
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	Approval:	W. Brewer

Federal Insecticide, Fungicide, and Rodenticide Act Practice

1.0 Purpose / Background

Congress enacted the **Federal Insecticide, Fungicide and Rodenticide Act** (FIFRA) of 1947 that, broadened the federal government's control of pesticides. FIFRA required the Department of Agriculture to register all pesticides prior to their introduction in interstate commerce. An amendment to FIFRA in 1964 authorized the Secretary of Agriculture to refuse registration to pesticides that were unsafe or ineffective and to remove them from the market. In 1970, Congress transferred the administration of FIFRA to the Environmental Protection Agency (EPA). This was the initiation of a shift in the focus of federal policy from the control of pesticides for reasonably safe use in agricultural production to control of pesticides for reduction of unreasonable risks to man and the environment.

Important FIFRA requirements are as follows:

- No one may sell, distribute, or use a pesticide unless it is registered by the EPA or meets a specific exemption *as described in the regulations*. Registration includes approval by the EPA of the pesticide's label, which must give detailed instructions for its safe use.
- EPA must classify each pesticide as either "general use," "restricted use," or both. "General use" pesticides may be applied by anyone, but "restricted use" pesticides may only be applied by certified applicators or persons working under the direct supervision of a certified applicator. Because there are only limited data for new chemicals, most pesticides are initially classified as restricted use. Applicators are certified by a state if the state operates a certification program approved by the EPA.

2.0 Scope

This practice applies to all departments at Duke University, Duke University Medical Center, and Duke University Health Systems that use products regulated under FIFRA.

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3.0 Procedures

3.1. General Procedures

Storage: Pesticides shall not be stored in any manner that could cause the contamination of food, feeds, beverages, eating utensils, tobacco, tobacco products, etc that would result in the accidental ingestion by humans or animals. They must be stored:

- To prevent leakage ;
- To facilitate inspections;
- To prevent unauthorized access; and
- In an area that is dry and well ventilated.

Labeling: All containers must be labeled with the common chemical name, the active ingredient percentage, the EPA registration number, signal word, and use classification.

Inventory: An inventory of all pesticides will be kept by the department at all times. The inventory must be available for review upon request. Unwanted pesticides should be disposed of using the OESO Chemical Waste Management Practice and waste pick up process.

Application Log: All licensed pesticide applicators shall keep a record of all applications of restricted use pesticides for a period of three years. The record shall include the following:

- Name of licensed applicator or operator;
- Area where pesticide will be used;
- Name of the objects to be treated with the pesticide;
- Approximate size of area to be treated;
- Date of application;
- Brand name and EPA registration number(s) of the pesticide;
- Amount of pesticide formulation applied per unit of measure; and
- Name of person applying pesticide.

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4.0 Roles & Responsibilities

The following key personnel will participate in the implementation of this practice:

Department Directors – Directors or other responsible persons must ensure that this practice is fully implemented in their respective department. They may choose to assign or designate a manager to implement the practice.

Licensed Applicators – The licensed applicator is responsible for implementing the procedures outlined above in the department or the area over which they have been assigned control.

OESO – OESO will provide support and oversight to the department through routine assessments of department’s performance, and scheduled chemical waste pick-ups.

5.0 Training

Organizations that use restricted use pesticides must have at least one employee licensed for the application of pesticides. In addition, we recommend that other organizations that use general use pesticides have at least one licensed employee. Licensed applicators are required to complete at least four hours of additional training over three years to retain their license. Employees with pesticide application responsibilities or who maintain the equipment shall receive training appropriate to their specified duties. Training records shall be maintained by the employee’s supervisor or designated individual.

6.0 Performance Monitoring

OESO will conduct periodic audits to assess compliance with the local, state, and federal regulations. Any deficiencies will be noted in writing and a plan will need to be prepared to bring the program into compliance.

7.0 Recordkeeping

Affected departments are required to retain the following records:

- Inventory of regulated pesticides stored on-site
- Restricted Use Pesticide Application log
- Personnel Certification and Training Records
- Storage area inspection forms

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8.0 References

8.1. Standards

40 CFR 150 - 189 - Federal Insecticide, Fungicide, and Rodenticide Act

9.0 Definitions

Certified Applicator - any individual who is certified under Section 11 of FIFRA as authorized to use or supervise the use of any pesticide which is classified for restricted use.

Label - the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

Pesticide - 1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, 2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and 3) any nitrogen stabilizer, except that the term "pesticide shall not include any article that is a "new animal drug".

Requirement of Registration - no person in any state, except as provided by FIFRA, may distribute or sell to any person any pesticide that is not registered.

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