EPA to Ask for Comments on New Pesticides Law

[EPA press release - November 8, 1972]

The Environmental Protection Agency plans to invite comments from agricultural, environmental, consumer, industrial and other interested groups before issuing regulations implementing the Federal Environmental Pesticide Control Act (FEPCA) over the next four years. The legislation was signed into law by the President on October 21.

"The new law is the most important piece of legislation in this field since the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was passed in 1947," EPA Administrator William D. Ruckelshaus said.

"This legislation should provide the consumer and the general public with much improved protection for human health and the environment from potential adverse effects of pesticides," Ruckelshaus stated. "At the same time, it should benefit the farmer by enabling him to continue the safe use of a pesticide that might otherwise have been removed from the market under the FIFRA because of lack of control over use."

Representatives of interested groups have been invited to attend one of two meetings--both on the new law--scheduled for Thursday, November 9, at 10:00 a.m. and 1:00 p.m. in Room 3305 at EPA Headquarters, 4th and M Streets, SW, Washington, D.C. Participants in both sessions will be asked to submit written comments to the Agency on implementation of certain sections of the Act within a specified period following the meetings.

The first meeting will be for manufacturers and certain users of pesticides. The second session is for environmentalists, agricultural and consumer organizations. Both meetings are open to the press, and the same material will be presented at both sessions.

A notice formally requesting comments on certain FEPCA provisions will be published shortly in the Federal Register.

Under the new legislation, Federal control will be extended to actual application of pest control chemicals by the purchaser, with penalties provided for misuse. The old law regulates only the interstate marketing of pesticide products, while the new Act covers not only misuse but also required Federal registration of products distributed within a single state.

All pesticide products will ultimately be registered and classified for general use or restricted use. The restricted category would contain those chemical toxicants that pose a high risk to man or his environment. Such compounds could only be used with special restrictions, such as use by or under the supervision of certified applicators.

The EPA Administrator said he expected that most farmers would be able to qualify for state certification as private applicators where they are using pesticides on their own land. Such certification, based on federal standards, will be required in four years, according to the new
law.

Other important provisions of the new Act will:

- Require registration of all pesticide producing establishments and regular submission by them of production and sales volume information effective in one year. Also, entry of these establishments and other places where pesticides are held for sale or distribution is authorized for inspection purposes.

- Permit issuance of stop sale, use, or removal orders and seizure of hazardous pesticides.

- Provide for civil and increased criminal penalties. Penalties range from $1,000 for second and subsequent offenses by private applicators or other persons under the civil provisions and $1,000 or 30 days in prison or both for a criminal or misdemeanor conviction by these same persons. Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates the law is liable to a civil penalty of $5,000 and a criminal penalty of $25,000 or one year in prison or both.

- Authorize the EPA Administrator to establish pesticide packaging standards, regulate pesticide and container disposal, issue experimental use permits, conduct research on pesticides and alternatives and monitor pesticide use and presence in the environment.

- Provide for certification of pesticide applicators by the States under a program approved by the EPA Administrator, for cooperative enforcement with the states, and for grants-in-aid and other assistance to States for certification programs.

A more detailed series of effective dates for various provisions of the new Act will be established and announced in the near future by the EPA. The existing law will remain in effect until the new provisions go into force. Every provision of the FEPCA must be effective within four years.