

Chapter Two

PESTICIDE LAW AND DEFINITIONS

Table of Contents

	<u>Page</u> □
STATUTORY AUTHORITY FOR PESTICIDE REGULATION	2-1
FIFRA	2-2
REGULATIONS, POLICIES, AND COMPLIANCE STRATEGIES	2-2
DEFINITIONS	2-3
KEY COMPLIANCE TERMS AND REQUIREMENTS	2-16

PESTICIDE LAW AND DEFINITIONS

STATUTORY AUTHORITY FOR PESTICIDE REGULATION

Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, pesticide products must be registered by the EPA before they may be legally sold or distributed in any State. EPA provides for two exemptions from this requirement and the Administrator, by regulation under section 25(b) also has exempted a number of products from the registration requirements. EPA registers pesticides on the basis of data adequate to show that, when used according to label directions, they will not cause unreasonable adverse effects on human health or the environment. FIFRA requires the Agency to take into account economic, social, and environmental costs and benefits. Since FIFRA was first passed, thousands of pesticide products have been registered.

In 1972, Congress amended FIFRA to require the “re-registration” of all existing pesticides to ensure that previously registered pesticides meet current scientific and regulatory standards. In 1988 FIFRA was again amended to establish a time table for completion of registration by 2005, and the requirement for annual maintenance fees for active pesticide products.

FIFRA authorizes the cancellation of registration if a pesticide is found to cause unreasonable adverse effects on human health or the environment. EPA may also suspend the use of a pesticide if necessary to prevent an imminent hazard. An emergency suspension takes effect immediately, but under an ordinary suspension, a registrant can request a hearing before the suspension goes into effect to determine whether registrations of the pesticide should be suspended.

FIFRA

FIFRA was first passed in 1947, and has been amended numerous times, most recently by the Food Quality Protection Act (FQPA) of August 3, 1996. FIFRA provides EPA with the authority to oversee, among other things, the registration, distribution, sale, and use of pesticides. The Act applies to all types of pesticides, including insecticides, herbicides, fungicides, rodenticides, antimicrobials, and devices. FIFRA covers both intrastate and interstate commerce. For complete text of the Act go to <http://www.access.gpo.gov/uscode/uscmmain.html>.

REGULATIONS, POLICIES, AND COMPLIANCE STRATEGIES

The pesticide regulations are codified and found in the Code of Federal Regulations, Title 40, Protection of Environment, Chapter 1, Environmental Protection Agency, Parts 150 to 189 (40 CFR, Parts 150-189).

The FIFRA Compliance Policies were originally developed by the Office of Compliance Monitoring, which is now the Office of Compliance/OECA, EPA, HQ. The Office of Compliance/OECA, EPA, HQ prepares compliance strategies to monitor industry compliance with suspension/cancellation orders and major regulatory actions taken under FIFRA. The Regional offices maintain a complete set of the policies in the FIFRA Compliance Program Policy Compendium.

DEFINITIONS

- Act** When used in this manual, the term means the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This term also includes, by reference, parts of the Federal Food, Drug, and Cosmetics Act (FFDCA), as amended by the Food Quality Protection Act (FQPA).
- Active Ingredient** The term “active ingredient” means:
- (1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, or nitrogen stabilizer, an ingredient which will prevent, destroy, repel, or mitigate any pest;
 - (2) in the case of a plant regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;
 - (3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant;
 - (4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue; and
 - (5) in the case of a nitrogen stabilizer, an ingredient which will prevent or hinder the process of nitrification, denitrification, ammonia volatilization, or urease production through action affecting soil bacteria.
- Acute Dermal Lethal Dose-50 (LD-50)** The amount of dermally applied toxicant necessary to effect a 50 percent kill of the pest being tested within a specified time period and under specified test conditions, as prescribed in the Registration Guidelines (40 CFR 152.3). It is expressed in weight of the chemical per unit of body weight (mg/kg). The lower the LD-50, the more poisonous the chemical.
- Acute Lethal Concentration-50 (LC-50)** A concentration of a substance, expressed as parts per million (ppm) parts of a medium, that would be lethal to 50 percent of the test population of animals under specified test conditions as expressed in the Registration Guidelines (40 CFR 152.3). LC-50 is often used to measure the toxicity of a chemical in air or water. The lower the LC-50, the more poisonous the chemical.

Acute Oral LD-50	The amount of orally administered toxicant necessary to effect a 50 percent kill of the pest being tested under specified test conditions as prescribed in the Registration Guidelines (40 CFR 152.3). It is expressed in weight of the chemical per unit of body weight (mg/kg). The lower the LD-50, the more poisonous the chemical.
Administrator	The term “Administrator” means the Administrator of the Environmental Protection Agency.
Adulterated	The term “adulterated” applies to any pesticide if: (1) Its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold. (2) Any substance has been substituted wholly or in part for the pesticide. (3) Any valuable constituent of the pesticide has been wholly or in part abstracted.
Advertising	Promotional materials, either printed or broadcasted through air, visual media, and verbal claims made by the company representative, sales person or the Internet intended to enhance customer sales. These materials normally do not accompany the pesticide product in the normal distribution and sale of the product and, therefore, are not normally considered part of the pesticide labeling. Note: See 40 CFR 168.22 for clarification and enforcement information. Also see the definition for “labeling” in this manual.
Agency	The United States Environmental Protection Agency (EPA).
Agricultural Commodity	The term “agricultural commodity” means any plant, or part thereof, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by man or animals (40 CFR 171.2).

Agricultural Emergency	An “agricultural emergency” means a sudden occurrence or set of circumstances which the agricultural employer could not have anticipated and over which the agricultural employer has no control, and which requires entry into a treated area during a restricted-entry interval, when no alternative practices would prevent or mitigate a substantial economic loss [40 CFR 170.112(d)].
Agricultural Employer	“Agricultural employer” means any person who hires or contracts for the services of workers, for any type of compensation, to perform activities related to the production of agricultural plants, or any person who is an owner of or is responsible for the management or condition of an agricultural establishment that uses such workers (40 CFR 170.3).
Agricultural Establishment	“Agricultural establishment” means any farm, forest, nursery, or greenhouse (40 CFR 170.3).
Agricultural Plant	“Agricultural plant” means any plant grown or maintained for commercial or research purposes and includes, but is not limited to, food, feed, and fiber plants; trees; turfgrass; flowers, shrubs; ornamentals; and seedlings (40 CFR 170.3).
Amount of Pesticide Product	“Amount of pesticidal product” means quantity, expressed in weight or volume of the product, and is to be reported in pounds for solid or semi-solid pesticides and active ingredients or gallons for liquid pesticides and active ingredients, or number of individual retail units for devices (40 CFR 167.3).
Animal	The term “animal” means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish and shellfish.

- Antimicrobial Pesticide** The term “antimicrobial pesticide” means a pesticide that:
- (A) Is intended to:
 - (i) disinfect, sanitize, reduce, or mitigate growth or development of microbiological organisms; or
 - (ii) protect inanimate objects, industrial processes or systems, surfaces, water, or other chemical substances from contamination, fouling, or deterioration caused by bacteria, viruses, fungi, protozoa, algae, or slime; and
 - (B) In the intended use is exempt from, or otherwise not subject to, a tolerance under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a and 348) or a food additive regulation under section 409 of such Act.
- See section 2(ii) of the Act for excluded and included pesticide products.
- Batch** A quantity of a pesticide product made in one operation or lot or (if made in a continuous or semicontinuous process or cycle) the quantity produced during an interval of time to be determined by the producer (40 CFR 169.1).
- Books and Records** All records required pursuant to sections 8 and 9 of the Act and 40 CFR 169.2 of the Regulations, as well as all records in lieu thereof.
- Cancellation** The Administrator may cancel a registered pesticide if it is determined that its labeling or other material required to be submitted is not in compliance with the Act or if the pesticide causes unreasonable adverse effects to the environment. Note: See section 6(b) of the Act.
- A registrant may request voluntary cancellation of a product at any time.

Certified Applicator	The term “certified applicator” means any individual who is certified under section 11 as authorized to use or supervise the use of any pesticide which is classified for restricted use. Any applicator who holds or applies registered pesticides, or uses dilutions of registered pesticides consistent with section 2(ee) of FIFRA, only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served is not deemed to be a seller or distributor of pesticides under this Act.
Chemigation	The application of pesticide products registered under FIFRA and applied through irrigation systems (40 CFR 170.3).
Child Resistant Packaging	Packaging that is designed and constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time, and that is not difficult for normal adults to use properly (40 CFR 157.21).
Commercial Applicator	The term “commercial applicator” means an applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of any pesticide classified for restricted use for any purpose or on any property other than as provided under the term of private applicator (40 CFR 171.2).
Cooperator	Any person who grants permission to a permittee or a permittee's designated participant to use an experimental-use pesticide at an application site owned or controlled by the cooperator (40 CFR 172.1).
Custom Blend	Usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture (40 CFR 167.3).

- Custom Blender** “Custom blender” means any establishment which provides the service of mixing pesticides to a customer's specifications, usually a pesticide(s)-fertilizer(s), pesticide-pesticide, or a pesticide-animal feed mixture, when:
- (1) The blend is prepared to the order of the customer and is not held in inventory by the blender,
 - (2) the blend is to be used on the customer's property (including leased or rented property),
 - (3) the pesticide(s) used in the blend bears end-use labeling directions which do not prohibit use of the product in such a blend,
 - (4) the blend is prepared from registered pesticides,
 - (5) the blend is delivered to the end-user along with a copy of the end-use labeling of each pesticide used in the blend and a statement specifying the composition of mixture, and
 - (6) no other pesticide production activity is performed at the establishment (40 CFR 167.3).
- Defoliant** The term “defoliant” means any substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.
- Degradation** The process by which a chemical compound is reduced to a less complex compound by the action of microorganisms, water, air, sunlight, or other agents.
- Desiccant** The term “desiccant” means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

Device	The term “device” means any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom. (40 CFR 167.3 and 40 CFR 169.1).
District Court	The term “district court” means a United States district court, the District Court of Guam, the District Court of the Virgin Islands, and the highest court of American Samoa.
Emergency Exemption	Special exemption granted by the Administrator to any federal or State agency from provisions of the Act if the Administrator determines that emergency conditions exist which require such an exemption. Note: See section 18 of the Act for more information.
Environment	The term “environment” includes water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.
Establishment	The term “establishment” means any place where a pesticide or device or active ingredient used in producing a pesticide is produced, or held, for distribution or sale.
FFDCA	The Federal Food, Drug, and Cosmetics Act, as amended by the Food Quality Protection Act (FQPA).
FQPA	The Food Quality Protection Act; an amendment to FIFRA and FFDCA, August 3, 1996.
Fungus	The term “fungus” means any non-chlorophyll-bearing thallophyte (that is, any non-chlorophyll-bearing plant of a lower order than mosses and liverworts), as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living man or other animals and those on or in processed food, beverages, or pharmaceuticals.

Imminent Hazard The term “imminent hazard” means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered or threatened by the Secretary of the Interior under Public Law 91-135.

Inert (Other) Ingredient The term “inert (other) ingredient” means an ingredient which is not active.

Insect The term “insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes, and wood lice.

Label The term “label” means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

Labeling The term “labeling” means all labels and all other written, printed, or graphic matter

(A) accompanying the pesticide or device at any time or

(B) which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Departments of Agriculture and Interior, the Department of Health and Human Services, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

- Maintenance Applicator** The term “maintenance applicator” means any individual who, in the principal course of such individual's employment, uses, or supervises the use of, a pesticide not classified for restricted use (other than a ready to use consumer products pesticide); for the purpose of providing structural pest control or lawn pest control including janitors, general maintenance personnel, sanitation personnel, and grounds maintenance personnel. The term “maintenance applicator” does not include private applicators as defined in section 2(e)(2); individuals who use antimicrobial pesticides, sanitizers or disinfectants; individuals employed by Federal, State, and local governments or any political subdivisions thereof, or individuals who use pesticides not classified for restricted use in or around their homes, boats, sod farms, nurseries, greenhouses, or other commercial property.
- MinorUse** Means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health. Note: See section 2(ll) of the Act for a complete definition.
- Misbranded** Any pesticide not displaying a proper label or whose label contains false or misleading information. Note: See section 2(q) of the Act for a complete definition including exceptions.
- Nematode** The term “nematode” means invertebrate animals of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or sack-like bodies covered with cuticle, and inhabiting soil, water, plants, or plant parts; may also be called nemas or eelworms.
- Nitrogen Stabilizer** The term “nitrogen stabilizer” means any substance or mixture of substances intended for preventing or hindering the process of nitrification, denitrification, ammonia volatilization, or urease production through action upon soil bacteria. Note: See section 2(hh) of the Act for exceptions.
- Person** The term “person” means any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.

Pest The term “pest” means

- (1) any insect, rodent, nematode, fungus, weed, or
- (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 25(c)(1).

Pesticide The term “pesticide” means

- (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.
- (3) Any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)) that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug.

Note: See section 2(u) of the Act for a complete definition including exceptions.

Pesticide-Producing Establishment Any site where a pesticide, device or active ingredient is manufactured, packaged, repackaged, prepared, processed, or held for distribution or sale (40 CFR 167).

Pesticide Product A pesticide, active ingredient, or device (40 CFR 152.3).

Pheromone A pheromone is a compound produced by an arthropod which, alone or in combination with other such compounds, modifies the behavior of other individuals of the same species [40 CFR 152.25(b)].

- Plant Regulator** The term “plant regulator” means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof. Note: See section 2(v) of the Act for exceptions).
- Private Applicator** The term “private applicator” means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by the applicator or the applicator's employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.
- Produce** The term “produce” means to manufacture, prepare, compound, propagate, or process any pesticide or device or active ingredient used in producing a pesticide.
- Producer** The term “producer” means the person who manufactures, prepares, compounds, propagates, or processes any pesticide or device or active ingredient used in producing a pesticide. The dilution by individuals of formulated pesticides for their own use and according to the directions on registered labels shall not of itself result in such individuals being included in the definition of “producer” for the purposes of the Act.
- Public Health Pesticide** The term “public health pesticide” means any minor use pesticide product registered for use and used predominantly in public health programs for vector control or for other recognized health protection uses, including the prevention or mitigation of viruses, bacteria, or other microorganisms (other than viruses, bacteria, or other microorganisms on or in living man or other living animal) that pose a threat to public health.
- Registrant** The term “registrant” means a person who has registered any pesticide pursuant to the provisions of the Act.

- Residential Use** Use of a pesticide directly to humans or pets, or application of a pesticide in, on, or around any structure, vehicle, article, surface or area associated with the household, including but not limited to areas such as non-agricultural outbuildings, non-commercial greenhouses, pleasure boats and recreational vehicles; or around any preschool or day care facility (40 CFR 152.3 and 40 CFR 157.21).
- Special Local Need (SLN)** A State may provide registration for additional uses of federally registered pesticides formulated for distribution and use within that State to meet special local needs in accord with the purposes of this Act, and if registration for such use has not previously been denied, disapproved, or canceled by the Administrator. SLN registrations issued by the State may be disapproved by the Agency [see section 24(c)(1), (2), (3), and (4) of the Act].
- State** The term “State” means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.
- Suspension** Section 6 of FIFRA provides that if a pesticide is determined to be an imminent hazard during the period required for cancellation or change of registration proceeding its use may be immediately suspended by the Administrator upon proper notice and availability of an expedited hearing.
- To Distribute or Sell** The term “to distribute or sell” means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served.

To Use Any Registered Pesticide in a Manner Inconsistent with Its Labeling

The term “to use any registered pesticide in a manner inconsistent with its labeling” means to use any registered pesticide in a manner not permitted by the labeling.

Note: See section 2(ee) of the Act for exceptions.

Toxicity

The property of a substance or a mixture of substances to cause any adverse affects (40 CFR 171.2).

Under the Direct Supervision of a Certified Applicator

Unless otherwise prescribed by its labeling, a pesticide shall be considered to be applied under the direct supervision of a certified applicator if it is applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

Unreasonable Adverse Effects on the Environment

The term “unreasonable adverse effects on the environment” means:

(1) Any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide or

(2) A human dietary risk from residues that result from a use of a pesticide in or on any food inconsistent with the standard under section 408 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) and (40 CFR 166.3).

Violation

Any act that constitutes a violation of law as cited in FIFRA section 12 “Unlawful Acts”, or pertinent State legislation.

Vector

The term “vector” means any organism capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including mosquitoes, flies, fleas, cockroaches, or other insects and ticks, mites, or rats.

Weed

The term “weed” means any plant which grows where not wanted.

KEY COMPLIANCE TERMS AND REQUIREMENTS

- Attractants** All substances or mixtures of substances (pheromones, synthetic attractants, and certain extracts from naturally occurring organic materials) which, through their property of attracting certain animals, are intended to mitigate a population of, or destroy, any vertebrate or invertebrate animals declared to be pests. This does not include, however, substances intended for survey or detection purposes only.
- Bin Labels** Stock supply of labels that have not been affixed to the product containers.
- Bulk Pesticide** Any volume of pesticide greater than 55 gallons (liquid) or 100 pounds (solid) held in any individual container.
- Distributor Label** A label listing a pesticide which is supplementally registered for a distributor by the registrant and allows a distributor to sell and distribute the registered pesticide under his/her own name, address, and brand name.
- Drift** Spray or dust drift is the physical movement of pesticide droplets or particles through the air at the time of pesticide application or soon thereafter from the target site to any non- or off-target site. Spray drift shall not include movement of pesticides to non- or off-target sites caused by erosion, migration, volatility, or windblown soil particles that occurs after application or application of fumigants unless specifically addressed on the product label with respect to drift control requirements.
- Episode** Any adverse or undesirable event, either unexpected or intentional, that results from the transportation, handling, use, or disposal of a pesticide or the disposal of a pesticide container.

Experimental Use Permits (EUP)	Any person accumulating information necessary to register a pesticide for a use not previously approved is required to obtain an experimental use permit (EUP). Pesticides under EUPs cannot be sold or distributed except in limited circumstances. The application process for an experimental use permit requires submission of extensive data and the data required is based on the pesticide and pesticide under consideration. Once a permit is granted, the permittee is required to supervise and evaluate the results of testing, submit reports, and maintain extensive documentation (40 CFR Part 172).
Ingredient Statement	<p>The term “ingredient statement” means a statement which contains:</p> <p>(1) The name and percentage of each active (other) ingredient, and the total percentage of all inert (other) ingredients, in the pesticide, and</p> <p>(2) If the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, calculated as elementary arsenic.</p>
Inspector	Any officer or employee of the EPA or of any State/tribe duly authorized by the Administrator to conduct inspections, make investigations, collect samples and otherwise carry out the provisions of the Act. Such persons may also be known by such designations as an Environmental Protection Specialist, Pesticide Inspector, Accident Investigation Officer, Compliance Officer, or Investigator.
Market Place	All places, which may also include production sites, where pesticides or devices are held for distribution or sale.
Mutagenic	The property of a substance or agent to produce genetic changes in living cells.
Nontarget Organism	Those flora and fauna (including humans) that are not intended to be controlled, killed, or detrimentally affected in any way by a pesticide.

No-Spray Zone	No-spray zone (also known as “buffer zone”) is an area in which direct application of the pesticide is prohibited; this area is specified in distance between the closest point of direct pesticide application and the nearest boundary of a site to be protected, unless otherwise specified on a product label.
Oncogenic	The property of a substance or mixture of substances to produce or induce benign or malignant tumor formations in living animals.
Packaged, Labeled, and Released for Shipment	This term refers to that point in the producing-marketing process of a pesticide when (1) the product has been produced and (2) it is the intent of the producer that such product be introduced into commerce.
Participant	Any person acting as a representative of the permittee and is responsible for making available for use, or supervising the use or evaluation of, an experimental-use pesticide to be applied at a specific application site.
Permittee	Any applicant to whom an experimental-use permit has been granted.
Pesticide Application	The placement of a pesticide at or on the site where the pest control or other response is desired.
Pesticide Applicator	Commercial applicators and private applicators of restricted use pesticides are required to be certified. Certification is based on the type of applications to be performed. Noncertified applicators of restricted use pesticides are required to be supervised by certified or private commercial applicators. Applicators can be certified by U.S. EPA or by a State with an approved certification plan (40 CFR Part 171 and applicable State regulations).
Pesticide Distribution	Registered pesticides must be distributed or sold only with the composition, packaging, and labeling approved by U.S. EPA. Depending on the formulation of the pesticide, it must be distributed and sold in child-resistant packaging (40 CFR 152.130, 152.132, 157.20 through 157.36).

Pesticide Formulation The substance or mixture of substances comprising all active and inert (if any) ingredients of a pesticide product.

Pesticide Labeling Every pesticide is required to have a label that clearly identifies contents, source ingredients, and directions for use. Pesticides shipped or used under an experimental use permit are required to have their own label and must include the statement “For Experimental Use Only” [40 CFR 156.10(a) and 40 CFR 172.6].

Pesticide Producers (FIFRA sec2(w)) The following producers are required to be registered (40 CFR 167.20):

- (1) Any establishment where a pesticidal product is produced, except for custom blenders;
- (2) Any establishments where a substance is produced must be registered with U.S. EPA if the producer intends the substance to be used as an active ingredient of a pesticide, or the producer has actual or constructive knowledge that the substance will be used by any person as an active ingredient of a pesticide.
- (3) Any domestic establishment producing a pesticidal product for export, or any unregistered pesticide, or any foreign establishment producing a pesticide product for import into the United States.
- (4) Any establishment , either foreign or domestic, which produces a pesticidal product for use under an Experimental Use Permit, FIFRA section 18 Emergency Exemption or section 24(c) Special Local Needs Registration.

Producers are also required to meet reporting requirements and maintain specific records (40 CFR 167.85 and 169.2).

Pesticide Registration No pesticide product can be distributed or sold in the United States unless it is registered under FIFRA. The application process for registration requires the submission of extensive data to the U.S. EPA; and, the application must be approved prior to a product being distributed or sold in the United States. Registration is required to be amended when there is a modification in the composition, use, labeling, or packaging of a registered product. Registrants are required to keep the U.S. EPA informed of their current name, address, and any change of their authorized agent. When there is a transfer of the registration, specific documentation must be submitted to the U.S. EPA and U.S. EPA approval for received (40 CFR 152.15 through 152.46, 152.122 through 152.135).

Pesticide Use Use of a pesticide or device:

- (1) directly on humans or pets,
- (2) in, on or around any structure, vehicle, article, surface or area associated with the household, including but not limited to areas such as non-agricultural outbuildings, non-commercial greenhouses, pleasure boats and recreational vehicles; or crops or aquatics, and
- (3) in or around any preschool or day care facility.

Phytotoxicity The degree to which a material is injurious (poisonous) to vegetation.

Primary Enforcement Responsibility Also known as “primacy.” The right to conduct investigations and take appropriate enforcement action against pesticide use violations. The Administrator may give a State primary enforcement responsibility for pesticide use violations if it has adopted adequate pesticide laws and regulations and meets other requirements set forth in section 26(a) of the Act.

Protect Health and the Environment The terms “protect health and the environment” and “protection of health and the environment” mean protection against any unreasonable adverse effects on the environment.

Re-entry	The action of entering an area or site at, in, or on which a pesticide has been applied.
Residue	The active ingredient(s), metabolites, or degradation product(s) that can be detected in the crops, soil, water, or other component of the environment, including humans, following the use of the pesticide.
Restricted-Entry Interval	The time after the end of a pesticide application during which entry into the treated area is restricted.
Service Technician	The term “service technician” means any individual who uses or supervises the use of pesticides (other than a ready to use consumer products pesticide) for the purpose of providing structural pest control or lawn pest control on the property of another for a fee. The term “service technician” does not include individuals who use antimicrobial pesticides, sanitizers or disinfectants; or who otherwise apply ready to use consumer products pesticides.
Teratogenic	The property of a substance or a mixture of substances to produce or induce functional deviations or developmental abnormalities, not heritable, in or on an animal embryo or fetus.
Use Dilution	Reducing a pesticide in concentration by adding water or another diluent as specified on the label or labeling that produces a specific concentration of the pesticide for a particular purpose or effect.
Use Patterns	The manner in which a pesticide is applied and includes the following parameters of pesticide application: Target pest; Crop or animals treated; Application site; Application technique, rate, and frequency.

Worker Protection Standards

When applying pesticides in a greenhouse, nursery farm, or a forest, workers are required to abide by entry restrictions and personal protection equipment (PPE) requirements. Agricultural employers are required to notify workers of pesticide applications and hazards associated with those applications and provide safety training. Notification is done orally and through the positioning of signs. Agricultural employers are also required to provide decontamination supplies to workers for washing off pesticides and pesticide residues. Pesticide handlers have to meet requirements similar to agricultural employers (40 CFR Part 170).