

USDA and FDA Regulations

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The majority of homeowners use some form of pesticide every year to treat their vegetable gardens, trees, shrubs, lawns or pets to control various types of insects, plant disease, weed or small predator (mice or rats) to make life a little more comfortable.

Growers of fruits, vegetables, and other crops in the United States today used over 176 million pounds of insecticides last year alone. A wide variety of the insects if not controlled would make many of the crops yielded today delicacies. This, of course, would mean much higher prices than we as consumers now pay.

Killing weeds, control of plant disease, stopping fruit from dropping prematurely, preventing too much fruit from setting, keeping seeds from rotting, etc. extend great advantages to farmers and contribute to the abundance, variety, quality and economy of our food supply in America.

There are federal, state, and local pesticide regulations which are safeguards to insure safety in the use of pesticides and to insure a safe food supply.

Federal laws apply to pesticides and agricultural products moving in interstate commerce and are the basis for state and local laws. Federal laws are intended to assure the effectiveness of the chemical and safety to the purchaser, user, and the public.

Federal control over the safety of pesticides is accomplished under two major laws:

1. The Federal Insecticide, Fungicide and Rodenticide Act of 1947.
2. The Federal Food, Drug, and Cosmetic Act of 1938.

The Federal Insecticide, Fungicide and Rodenticide Act of 1947 is a label registration law. It provides that pesticides must be registered with the USDA before they may be moved in interstate commerce.

Under the law the responsibility for label registration is placed upon the manufacturers. Before a pesticide can be registered, the manufacturer must show that the material is (1) effective in controlling the pests for which it is intended, and (2) safe to the user, other people or animals in the area, and to other crops when used as directed. It often requires as much as 3 to 5 years of scientific research on the part of the manufacturer to obtain proof acceptable to the USDA of the safety and effectiveness of a single pest control formulation. In addition the USDA conducts intensive research on pesticides to assure the development of effective and safe use practices.

The Federal Food, Drug, and Cosmetic Act of 1938 is a consumer protection law. It prohibits the movement in interstate commerce of adulterated and misbranded food, drugs, devices, and cosmetics. This law is administered by the Food and Drug Administration in the Department of Health, Education and Welfare.

This law recognizes the necessity for the use of pesticides in food production. It does not prohibit their use, but it does make provisions to guarantee the protection of the consumer. It prohibits the addition of any harmful substance to food. Under the original act the burden of proof of the harmfulness of the substance was placed on the FDA.

The Miller Amendment of 1954 reset the burden of proof, placing the responsibility on the manufacturer to (1) provide data to prove that the chemical is safe, (2) provide a practical method of analysis, and (3) request the establishment of a tolerance by the FDA. The Miller Amendment provides that any raw

agricultural product may be condemned as adulterated if it contains any chemical that has not been cleared for safety, or which is present in excess of established tolerances.

The Food Additives Amendment of 1958 established tolerances to permit the legal presence of food additives. It prohibits the addition of such substances to food until they have been tested adequately and their safety established. The **Delaney** clause in this amendment prohibits the use of any chemical in or on food or feed products if such chemicals are carcinogens (cancer producing). The Food Additives Amendment also prohibits the use of additives to promote deception.

The Color Additives Amendment of 1960 extended regulations similar to those placed on food additives under the Food Additives Amendment to color additives.

The Kefauver-Harris Amendment of 1962 requires feed manufacturers to register with the Department of Health, Education and Welfare each year. It also established regulations in connection with the use of good manufacturing practices as outlined by the FDA.

Both the USDA and FDA have enforcement programs. The USDA is responsible for insuring that marketed pesticides are properly labeled. The FDA is responsible for insuring that tolerances are not exceeded.

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