

Federal Environmental Pesticide Control Act

Although held in suspension throughout two Congressional sessions by the vigorous agitation of many outside pressure groups, the Federal Environmental Pesticide Control Act of 1972 was signed into Public Law 92-516 by President Nixon on October 21, 1972. The long-awaited Act substantially amends the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and provides rational guidance in the certification of applicators, registration and labeling of environmental protection chemicals, classifications of compounds and penalties for violation, and satisfies some of the demands of the environmentalists.

The single greatest provision, which the Law details in specific terms throughout the many-page document, is the autocratic authority now vested in the EPA Administrator. Perhaps no other political appointee wields as much power over any industry or segment of American government as William D. Ruckelshaus. The Law clearly elevates his position to patriarch of pesticide protection. Regulations, classifications, determinations, rejections, suspensions and enforcements will be metered out by the judgment of this one individual.

Environmental protection chemicals will be registered for general use or for restricted use. The key word is use. Determination of use is made by the Administrator. For example, if he determines that a pesticide, "when applied in accordance with its directions for use, warnings and caution and for the uses for which it is registered, or for one or more of such uses, or in accordance with a commonly recognized practice, will not cause unreasonable adverse effects on the environment, he will classify the pesticide, or the particular use or uses of the pesticide to which the determination applies, for general use."

Restricted use chemicals may be applied only by or under the direct supervision of a certified applicator. Determination of the restricted use classification is made by the Administrator when he finds that the acute dermal or inhalation toxicity of the chemical presents a hazard to the applicator or other persons, or that its use without additional regulatory restriction may cause unreasonable adverse effects on the environment. But that's not all. The Administrator may also tack on additional regulations for restricted use, subject to review in a court of appeals upon petition. Further, the Administrator may change the classification of any use of a chemical from general use to restricted use, again subject to appropriate notification and the publishing of the proposed change in the FEDERAL REGISTER.

While the Federal Environmental Pesticide Control Act of 1972 became Law when signed by the President at Camp David, Md., there is a lag as to when various provisions of the Act become effective. For instance, chemical candidates for registration will be administered under the provisions of FIFRA for the next two years. By then, EPA will have published regulations for the registration and classification of pesticides under the new Law. After these initial two years, the Act specifies that the Administrator has an additional two years to register and reclassify chemicals registered under FIFRA during the first two years. Also, a grace period of four years from October 21, 1972 is built into the Law for requirements that a pesticide be registered for use only by a certified applicator. And, a period of four years is provided for certification of applicators.

Copies of the new Law are scarce. Yet it will behoove anyone even remotely concerned with environmental protection chemicals and their application to have a copy of the law in their possession. Best source is your Congressman or write to the Government Printing Office and ask for Public Law 92-516. It could be well worth the effort.