CURRENT STATUS OF PESTICIDE LEGISLATION[1]

by Hyland Johns,

Nearly every state is now deeply involved with FIFRA as amended, the Federal Insecticide, Fungicide and Rodenticide Act. Georgia and Iowa have submitted their state plans to EPA for approval, and these have been published in the Federal Register for public comment. A dozen other states are nearly ready, while a few are lagging seriously. Georgia led the parade with preparation of category manuals, examination materials, and full implementation. Do you know the status of your states's plan?

Current developments at the federal level include the following:

State Plan Regulation

On January 13 the EPA published in the Federal Register proposed regulations for submission and approval of state plans for certification of commercial and private applicators. The regulations are designed to insure that state plans for the certification of applicators satisfied all requirements as required by Section 4(a)(1) of FIFRA as amended. In the introductory section to this Federal Register entry, the EPA states that whether the term, 'regulations' or 'guidelines,' or any other term is used, rules properly issued to implement a regulatory authority under FIFRA have the force of law when the rules prescribe particular action. This text also defines regulations regarding certification of Federal agency pesticide applicators. On March 12 EPA promulgated regulations establishing the minimum information that state plans must contain when submitted to EPA requesting approval to certify pesticide applicators. On this date the agency published the comments on the proposed regulations published on January 13.

Experimental Use Permits

In the April 30 issue of the Federal Register, the EPA promulgated their final rules and regulations on experimental use permits. According to the final regulations, a substance or mixture of substances being put through laboratory or greenhouse tests, or limited replicated field trails to confirm such tests in which the purpose is to determine only its value for pesticide purposes or to determine its toxicity or other properties and from which no benefit in pest control is expected, is not considered a pesticide within the meaning of the act and no experimental use permit will be required. Tests conducted on a cumulative total of not more than 10 acres also shall not be included but any crops must be destroyed. The permits normally will be effective for one year and strict labeling statements are required. Experimental use permits will be published in the Federal Register and will include the active ingredients, use patterns, quantity of pesticides, acreage and location of all applications.

Less Than Labeled Dosage Rates

On May 5 the EPA published in the Federal Register a Pesticide Enforcement Policy Statement (PEPS). EPA indicated that PEPS will be issued periodically to inform people of the policies adopted by the agencies. PEPS No. 1 pertains to the use of registered pesticides at less than the labeled dosage rate. The agency has determined that an application at a lower rate than recommended on the accepted label will be permitted if the application is (a) recommended in writing by a knowledgeable expert, (b) is efficacious and has only beneficial effects to man and environment, (c) is performed in accordance with all other label instructions and (d) is not repeated at the low dosage rate so frequently as to result in a total pesticide dosage higher than that specified on the approval

1. Presented at the International Shade Tree Conference in Detroit, Michigan in August, 1975.

label. The statement then specifies in more detail the requirements for each of the above parts.

While dosage rates less than the label levels are considered acceptable, any application or use of any registered pesticide at a dosage rate above the label level is strictly prohibited and will subject the user to criminal or civil penalties. In situations where target pests can no lon-

While dosage rates less than the label levels are considered acceptable, any application or use of any registered pesticide at a dosage rate above the label level is strictly prohibited and will subject the user to criminal or civil penalties. In situations where target pests can no longer be controlled with label recommended levels because of pest resistance or other reasons, it will be necessary for the registrant to petition the Agency for an appropriate amendment of the registered labeling. In other words, the label is a legal document.

Final Registration Regulations

After a long delay, EPA has issued final regulations for the registration, reregistration, and classification of pesticides under FIFRA, as amended. The new rules become effective August 4, 1975.

There are several changes in the regulations which were last published as a proposal in October, 1975. The length of the preamble (25 pages) demonstates the controversy concerning each change. The key areas to note are:

1. abandonment of the negligible residue concept;
2. adoption of the oncogenesis theory;
3. requirement for information of the manufacturing process;
4. limitation of sales of pesticides;
5. strict requirements for labeling; and
6. adoption of a rebuttable presumption concept.

Restricted Use Pesticides

EPA has estimated that approximately 5% to 6% of active ingredients will be potentially restricted-use. Final classification will be on a product-by-product and use-by-use basis, especially as to ecological effects, and could be 8% restricted of all labels approved.

A preliminary list is to be published in the Federal Register soon. However, our philosophy has been that we must all become certified, even though most of the pesticides we apply may be general use.

For example, of 78 presumptively restricted (for some uses) active ingredients out of a total of 1200, the following classification occurs:

Category	Number Candidates	Number Restricted	Percentage
fungicide	200	13	6.5
disinfectant	225	0	0
herbicide	275	2	0.7
rodenticide	100	11	11.0
insecticide	400	52	13.0
	1200	78	6.5

Some of these will be both restricted and general use, but classification varies with concentration, formulation, packaging, application site, usage, etc.

This short overview doesn't begin to cover the tremendously complex issues involved with pesticide legislation. Just defining terminology has embroiled individuals, agencies, industry and environmentalists to an unbelievable extent.

Pesticide Episode (Accident) Reporting

EPA has established a review system (PERS) to collect and analyze data on the use patterns and adverse effects of pesticides. Nationwide sources will report suspected problems which will be entered into a computerized data system. (If this doesn't scare you, the report form surely will - and should be a deterrent to abuses in itself.) PERS should not be confused with the controversial and unfortunate EPA hotline which was at the center of recent Congressional concern.

Substitute Chemical Program

For more than a year, EPA has searched for acceptable substitute pesticides for so-called "problem" pesticide uses. We must be vigilant to avoid substitutes which may not turn out to be as acceptable as determined by some political bureaucrat.

Toxicological screening and testing methods are still being refined, and methodology and

interpretation of results are hotly-contested issues. Making our voice heard as ISTC, in concert with allied trade groups, is the best way of preventing proven safe compounds taken away from us. For example, you should see the list of possible substitutes for 2,4,5-T and other "problem" pesticides!

Many other subjects are of concern, but cannot be fully reported due to lack of space, including:

Minor crop uses and registration problems
Funding for state certification training program
Developments on integrated pest management - and false hopes
Inaccurate diagnosis of alleged pesticide accidents (you are usually guilty or even fired upon until proven innocent)
Over-zealous (hard core) environmentalists (such as the ones who advocate cutting down spruce and balsam trees in Maine and planting hardwoods to combat spruce budworm)
CAST (Council for Agricultural Science and Technology)

Future dates still to be met for compliance with FIFRA include:

October 21, 1975 - Submission of state plans for certification of applicators
October 22, 1976 - Final date for certification of all applicators and registration of pesticides

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TRADE ASSOCIATIONS:WHY BELONG?[1]

by Robert Felix,

I think that it is fair to assume that almost everyone present today is a member of a trade association. However, perhaps all of you are not aware of how many trade associations some of those present belong to. Almost everybody here belongs to the International Society of Arboriculture, many of you belong to, ISA chapters as well. Being an International gathering of commercial arborists, one would expect to find many members of the National Arborist Association present and they are. Many people here belong to many other "Green Industry" trade associations such as local and state arborists associations, the American Society of Consulting Arborists, American Association of Nurserymen, Associated Landscape Contractors of America and the International Pesticide Applicators, just to name a few.

Periodically, you might ask yourself why you belong to one or another of these groups. Do you know what the value received is for dues paid and/or time devoted? Why do you belong?

Since I am an Executive Secretary of a National Trade Association you might think that my comments are prejudiced. You are right. They are, but I am a member of the International Society of Arboriculture, a former member and Past President of the National Arborist Association, the New York State and Long Island Arborist Association, a member of the American Society of Consulting Arborists, American Society of Association Executives and several others. Nobody pays the dues to these associations for me. I pay them myself. If I weren't a firm believer in the value of a National Trade Association I obviously would never have left my ivory tower in the tree care industry to as-

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