

CURRENT STATUS OF PESTICIDE LEGISLATION¹

by Hyland R. Johns

The Federal Insecticide, Fungicide and Rodenticide Act of 1947 (FIFRA) was amended October 21, 1972, to assure proper use of pesticides. This new law (P.L. 92-516) is imposing strict regulations on our industry.

Anything said or written about pesticide legislation must be dated, because of changes occurring almost daily. Today's presentation (August 22, 1974) will cover development since August 1973, when the author addressed the ISTC in Boston, reviewing pesticide legislation.

Registration & Classification

Section 3 Regulations provide for registration and classification of all pesticides. The most recent draft, July 10, 1974, is a massive document of 93 pages. Briefly, there are four categories of toxicity:

CATEGORY:	I	II	III	IV
LD ₅₀	50 mg/kg	500 mg/kg	5000 mg/kg	5000 mg/kg
SIGNAL WORD:	DANGER	WARNING	CAUTION	(NONE)

Other toxicity criteria include inhalation, and dermal and eye effects, in addition to acute oral toxicity given above. The same product can be classified as both general and restricted, based on use, concentration, etc. For example, residential application is defined as "in, on or around dwellings for human habitation." A pesticide for residential application will be classified for general use if the dermal toxicity is above 1000 mg/kg, but for non-residential use above 100 mg/kg. There are additional criteria for residential, non-residential and outdoor applications, as described fully in the draft regulations. However, the general distinction for classification is whether EPA deems a particular formulation and concentration causes "unreasonable adverse effects on the en-

vironment including injury to the applicator."

Applicator Certification

Proposed rules for certification of applicators were published in the February 22, 1974, Federal Register. Final publication is scheduled this month. More than 500 comments were received and evaluated. While these guidelines will attempt to provide for uniformity and reciprocity among states, they do not insure such results, so we must follow state implementation closely!

The governor of each state has designated one state agency to implement the law. (A list may be obtained by writing the author.) In most states, certification will be handled by the Department of Agriculture. In a few states such as New York, New Jersey, Connecticut and Massachusetts, the Environmental Department will administer this law.

As an industry not usually well represented in state legislatures, we must work together for effective legislative action in our state houses. We have already been outmaneuvered in several states! Your help is needed to achieve fair, workable standards in your state. Further details regarding certification standards for applicators are available from the ISTC Pesticide Committee as soon as published in the Federal Register.

Disposal & Storage of Pesticides & Containers.

These regulations for acceptance and recommended procedures for disposal and storage of pesticides and containers were published in the Federal Register for May 1, 1974. Originally published as "proposed regulations" a year ago, these guidelines were entirely unrealistic. Our written and oral comment, along with others,

1. Paper presented at the 50th International Shade Tree Conference in Atlanta, Georgia, August 18-22, 1974.

was submitted to EPA and resulted in significant favorable changes. Now these procedures apply to highly toxic and moderately toxic pesticides as classified by EPA. Mildly toxic pesticides and containers are excluded (at this time).

Exceptions are made for single containers from house and garden, farm and ranch. We were also able to secure an exemption for temporary storage of limited quantities of pesticides if at environmentally safe sites.

Properly rinsed containers may be reused or recycled as scrap, or punctured and crushed to be safely disposed of in a sanitary landfill or buried in the field. Rinse liquids should be added to the tank mixture or disposed of as described for excess pesticides. Not recommended are: water dumping, open dumping, or open burning (except burning of small quantities).

EPA stresses that these are "recommended procedures" because of inadequate disposal sites and facilities at this time. More comprehensive regulations will undoubtedly be issued in the future. At present these are the categories:

<i>Pesticide Category</i>	<i>Signal Words on Label</i>
1—Highly toxic	DANGER, POISON, SKULL & CROSSBONES
2—Moderately toxic	WARNING
3—Slightly toxic	CAUTION

Penalties.

More than 2,000 enforcement actions including citations or court convictions have been handled in the first fifteen months. Civil and criminal penalties totalled \$750,000.

About the time we organized the ISTC Pesticide Committee some eighteen months ago, I learned of this conference in Washington, D.C. They meet monthly and are a highly effective group representing the food, feed and fiber industries throughout the country.

More than forty councils, associations, federations and institutions participate—a truly impressive roster of scientists, businessmen and professionals who do a remarkable job with government agencies. For only \$10.00 yearly I brought the ISTC into their conference, even though we don't have a Washington office.

These contacts have been valuable since our relatively small part of the pesticide industry is often left out. Until OSHA and EPA made the scene, we weren't much interested in lobbying, but now we are fighting to protect our businesses and our industry.

We recognize the legislative and regulatory crunch, but through combined action, we can achieve workable yet effective standards to protect the environment and ourselves.

Green Industry Council.

It's not really a formal organization yet, but it's beginning to develop. So far the Green Industry Council is only a loose affiliation of people and organizations representative of the ornamental green industry. This includes turf, tree and nursery interests.

I have represented the ISTC as a member from the beginning, and we want to foster effective response to increasing legislative pressure on pesticides. Participating informally with ISTC are other green industry groups:

- International Pesticide Applicators Association
- Weeds, Trees and Turf Magazine*
- Utility Arborists Association
- Wholesale Flower Growers
- National Pest Control Association
- National Agricultural Aviation Association
- National Arborists Association
- Golf Course Superintendents Association
- American Association of Nurserymen

Concerned right now with pesticide legislation, we are vitally aware of other impending problems for our industry such as occupational safety and health, water pollution, energy and other legal and legislative action at the federal and state levels. We need to exchange information on mutual problems—a "Chamber of Commerce" for the Green Industry with *Weeds, Trees and Turf* as our "house organ".

After several informal meetings during the past year, we are planning an organizational meeting soon. We in the ISTC can help and benefit from our continuing support of the Green Industry Council.

Reentry Standards.

We are also following developments in several areas not directly involving ISTC, but

which might involve us later. One such concern is farm worker reentry standards. These standards are written around many chemicals applied by arborists, so this could pose a future problem. Apple, peach and citrus growers are in the vanguard of this battle.

These reentry regulations were promulgated by EPA to protect farm workers and are in effect now. Workers must not be permitted in treated fields without protective clothing, after applications of the following chemicals, some of which are also used by arborists:

	<i>Reentry Time (Hours)</i>
Ethyl parathion	48
Methyl parathion	48
Guthion	24
Demeton	48
Azodrin	48
Phosalone	24
Carbophenothion	48
Metasystox-R	48
EPN	24
Bidrin	48
Endrin	48
Ethion	24

EPA Contracts.

Contracts with universities and other agencies are being awarded to assist states on implementing FIFRA as amended. Michigan State University will work on audio-visual and other training materials for certification of ornamental and turf. Dr. Weekman of North Carolina is developing "core material for an applicator training manual. Penn State is working on a correspondence course for private applicators. Many additional projects are also under way. (Michigan State even got a \$5,000 contract to train three German shepherds to detect by scent, gypsy moths and their eggs, larvae and pupae. They have one year to study the dogs' moth sniffing powers.)

2,4,5-T, Aldrin, Dieldrin.

Aldrin and dieldrin manufacture was recently halted by EPA after more than a year of hearings. Certain restricted uses such as structural pest control may continue.

EPA and industry have agreed to a "plan of action" on 2,4,5-T monitoring. Despite the recent reversal for environmentalists who

opposed the use of 2,4,5-T, pesticides will continue to bear the bulk of criticism. States may be more restrictive—and are doing so today—than federal regulations.

As an example of this criticism of pesticides, look at this comparison. A recent Food and Drug Administration report listed cases of accidental poisoning as follows:

Pharmaceuticals	58%
Cleaning agents	12%
Cosmetics	5%
Pesticides	5%

Yet pesticides are blamed for everything from pimples to tumors, and from constipation to cancer. Mother Nature's earthquakes, drought, hurricanes, volcanic eruptions and plagues each far exceed man-caused damage to the environment. However, we do have problems, and the proposed solutions should be measured carefully in the cost: benefit ratio.

Key Dates.

Key dates to remember for deadlines set by Congress in implementing the new pesticide law are:

- October 21, 1974 - Regulations governing classification and registration of all pesticides.
- October 21, 1975 - State Compliance on certification of applicators.
- October 21, 1976 - Certification of applicators; registration and classification of all pesticides.

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