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ROLE OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN WILDLIFE DAMAGE CONTROL
William W. Jacobs/1/

The U.S. Environmental Protection Agency is the Federal agency in charge of pesticide registration. Therefore, EPA has ultimate regulatory authority over the pesticide compounds used for wildlife damage control.

Pesticides are regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Pesticides may be cleared for use in the United States under Sections 3, 5, 18, and 24(c) of FIFRA.

Section 3 contains provisions for full federal registration. Products registered under Section 3 may be used throughout the country, subject to conditions and limitations of use specified on the product label and State requirements. To be registered under Section 3, pesticides must be tested to determine the conditions under which the materials can be used and handled safely. In making these determinations, EPA considers potential risks to humans, wildlife, and the environment in general.

Under Section 5, time-limited, experimental use of a pesticide may be authorized. Experimental Use Permits (EUP) allow use of pesticides in research programs designed to generate data relevant to the requirements for registration. EUPs are required when candidate pesticidal chemicals are tested outside the laboratory except in certain circumstances of limited use.

Under Section 18, the Administrator of EPA may temporarily exempt a Federal or State agency from any provision of FIFRA "if he determines that emergency conditions exist which require such exemption." This means that use of an unregistered pesticide or a registered pesticide for an

unregistered use can be authorized under emergency conditions. To grant a Section 18 exemption, EPA must make a finding that an emergency exists and that there is no registered pesticide available to combat the problem. An emergency would occur when a pest problem of extreme public health or economic impact develops suddenly.

Under Section 24(c), States may provide registrations for additional uses of pesticides registered under Section 3. Such pesticides are to be formulated for distribution and use to meet "special local needs" within the State. 24(c) product registrations are effective when issued, but may be disapproved by EPA within a 90-day period. States are prohibited from issuing 24(c) registrations for food or feed uses unless the necessary tolerances (or tolerance exemptions) have been issued. 24(c) registrations may not be issued for uses of a pesticide which have been denied, disapproved, suspended, or cancelled by EPA due to concerns regarding human or environmental safety./2/

Under FIFRA, EPA also regulates pesticide devices.

In recent years, certain pesticides used for wildlife damage control have been subject to actions initiated by EPA. These actions include Special Reviews of Sodium Fluoroacetate (1080) and Strychnine, and Registration Standards issued for 4-Aminopyridine (Avitrol), Fumarin, Warfarin, and Zinc Phosphide. As a result of these actions, the data bases for these compounds are being expanded, although some use patterns have been deleted and many individual registrations have been suspended and/or cancelled.

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2/ If any of these actions have been superseded by later EPA actions, 24(c) registrations may be granted.