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COPING WITH PESTICIDE REGISTRATION PROBLEMS

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The Federal Insecticide Fungicide and Rodenticide Act (FIFRA) was created to cope with complex pesticide problems and their effect on man and the environment. State pesticide laws have a similar responsibility and often provide additional regulation to address problems or conditions specific to that individual state.

Pesticides are unique when compared to other potential pollutants. Unlike most others, pesticides are deliberately introduced into the environment to achieve a distinct result or benefit. This very fact requires that the benefits afforded by these chemicals be weighed against the undesirable consequences likely to result. This benefit/risk balancing is not easy.

In an effort to deal with this problem, the Environmental Protection Agency (EPA) has established, by regulation, a procedure for benefit/risk analysis. This mechanism is called "Rebuttable Presumption Against Registration" (RPAR) and is a comprehensive plan for dealing with pesticides which pose "unreasonable adverse effects on man or the environment" in a somewhat less adversarial environment than that of formal suspension or cancellation hearings. EPA continually maintains, not always convincingly, that RPAR is not tantamount to cancellation; rather such notice simply means that data exists to indicate possible hazards from use of the chemical. This procedure allows all affected or interested parties to submit data to rebut the presumption by showing that the pesticide does not pose an unreasonable risk or that the benefits derived from its use outweigh any such risks. It is of utmost importance that this opportunity for input not be overlooked or taken lightly.

Some 45 pesticide chemicals have been identified as candidate RPAR compounds with scheduled dates for review by the EPA Office of Special Pesticide Reviews. Endrin, the long standing rodenticide for vole control in orchards, was the first chemical subject to review. This review is currently in progress with final decision due later in 1977. EPA is concerned about the evidence of serious hazards associated with endrin but also recognizes its significant pest control benefits. Most orchardists are aware of the hazard to fish sometimes resulting from applications of endrin. At the end of the review period, EPA must decide whether some or all risks have been rebutted. If they have, the agency will propose continued use of some or all endrin applications.

Another opportunity to deal with state problems is provided in Section 24 of the amended FIFRA. Among other things, this section authorizes states to register pesticides for use within that state to meet

special local needs provided the state has been certified by the EPA Administrator as capable of exercising adequate controls to assure proper and safe application. Interim regulations establishing criteria for issuance of these registrations have been issued with final regulations expected later this year. Depending on the need, states may be authorized to issue registration in the following three categories:

1. To amend EPA registrations involving changed use patterns
2. To amend EPA registrations not involving changed use patterns
3. To register new products containing EPA registered active and inert ingredients

Application for registration of a product or chemical for a special local need may be made by the manufacturer of the product, a state agency or association, experiment stations, user groups, or an individual. The data required for review will vary depending upon the individual application. The final decision on registration is based on the determination that a special local need exists and is based on one or more of the following conditions:

1. No EPA registration exists for that use
2. The EPA registered product is not as efficacious under local conditions
3. No other EPA registered product is available in the area

All state registrations for special local needs must be submitted to EPA for evaluation. If within 90 days EPA does not reject the registration, it becomes a federal registration for a 5-year period.

This authority to register pesticides for special local needs is vital for the production of food and fiber and for the protection of health and property within individual states. State officials are very hopeful that final regulations will provide the flexibility and latitude needed at the state level.

The authority provided states under the amended FIFRA is not without restriction. States are not authorized to issue registrations for the following:

1. Chemicals which have been subject to suspension or cancellation action by the Administrator of EPA
2. Active ingredients not contained in an EPA registered pesticide
3. A chemical's use on a food or feed crop without an established residue tolerance for that crop

Amendments to FIFRA will be suggested at Congressional oversight hearings in early March which, if enacted, should expedite the pesticide registration process within EPA.