

Pesticide Regulations

The basic federal law regulating the use and sale of pesticides is the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947. This law was substantially changed in 1972 by the Federal Environmental Pesticide Control Act (FEPCA). The major provisions of the 1972 act are:



1. All pesticides must be classified and registered as either general-use or restricted use.
2. Any applicator using restricted-use pesticides must be certified.
3. Commercial dealers and applicators must be licensed and certified; non-certified applicators must be registered.
4. Directions on the product label must be followed.
5. There are criminal penalties for misuse.



In 1978 further amendments to FIFRA were passed to more sharply define what misuse of a pesticide really meant.

1. A pesticide can be used against a pest not noted on the label if application is made to a crop, animal or site specified on the label.
2. Pesticides may be mixed with a fertilizer if such a mixture is not specifically prohibited on the label.
3. Any manner of application is okay as long as it is not expressly forbidden by the label.
4. Pesticides can be used at dosages less than (but not more than) those specified on the label.
5. These exemptions apply only to the applicator and cannot be used in the advertising or sale of the pesticide.

FEPCA required each state to change its pesticide laws to conform to the federal legislation. In 1976 the Michigan Pesticide Control Act was passed. The law is administered by the Michigan Department of Agriculture in Michigan and by the Environmental Protection Agency on a national level. A new state act was passed in 1988.

There are two types of certified pesticide applicators:

Private Applicators. Persons using or supervising the use of restricted-use pesticides to produce an agricultural commodity on their own or their employer's land or on lands rented by them. Persons using pesticides on home gardens or other non-commercial uses are not Private Applicators.



Commercial Applicators. All persons using pesticides other than Private Applicators. There are two subgroups:

a. **Licensed Commercial Applicators.** Persons who apply or supervise the application of general-use or restricted-use pesticides on a for-hire basis. These are owners of a licensed pesticide business.



b. **Non-licensed Commercial Applicators.** All other persons besides the above who use restricted-use pesticides. Home owners who use restricted-use pesticides are included in this group.



There are categories of certification under each of the two types of applicators.

Private Applicator. A general certification except that a special certification is required for fumigation and aerial application.

Commercial Applicator. A separate certification is required for each category, which currently includes:

#2 Forest Pest Control
#2a Wood Preservation
#3 Ornamental and Turf Pest Control
#4 Seed Treatment
#7b Control of Wood Destroying Pests
#10 Demonstration and Research
#11 Aerial Application of Pesticides