

NPMA LEGISLATIVE ALERT

NPMA urges Congress to codify the exclusive role of state lead agencies as pesticide co-regulators with the EPA.

NPMA member companies work every day to protect Americans from dangerous and deadly pests. To serve our customers, licensed pesticide applicators must pass an examination, undergo extensive training, be recertified at least every five years, and strictly follow the EPA-approved pesticide labels. In recent years increasing numbers of localities (towns, cities, and counties) are attempting to regulate pesticide use and sale, overruling both the U.S. Environmental Protection Agency (EPA) and the state lead agency charged with pesticide regulation. This impacts the ability of our industry to do business and creates a patchwork of regulations in the places we may work in a given day or week. Over 90% of NPMA member companies are small businesses comprised of five employees or less, and need clear, consistent, and uniform pesticide regulation in order to serve as the frontline against pests like termites, bed bugs, cockroaches, rodents, ants, mosquitoes, spiders, and countless other pests.

How is a Pesticide Registered?

Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), a pesticide manufacturer obtains permission from EPA to sell, distribute or use a pesticide. Prior to approval, each prospective registrant must provide the EPA with a proposed label (which outlines the conditions of use) and close to 100 studies showing that the product is effective. Registrations are granted for 15-year periods but can be re-assessed at any time.

State Limitations on the Use of a Pesticide

Once a pesticide is registered federally, a state's lead regulatory agency will serve as a co-regulator with the EPA, assuring inhabitants and businesses of that state that the pesticide is safe, and placing any additional restrictions on the conditions of use. It is illegal to use a pesticide that has not been properly evaluated and approved by both EPA and the lead regulatory authority in a state where the pesticide is being sold, distributed or used.

What is Pesticide Preemption?

Pesticide preemption is the concept that the EPA and the state lead agency have the technical expertise and resources to best evaluate whether a pesticide is safe and effective. That is, the state lead agency preempts the local government when it comes to the highly technical work of determining how pest control products and services are employed. In states with preemption (currently 44) the state lead agency works with the EPA on any and all pesticide usage, sale or distribution. Alaska, Hawaii, Maine, Maryland and Nevada do not have a pesticide preemption law, meaning that localities in these states can and do have different regulations.

A National Patchwork

We have begun to see efforts in some of the 44 states with pesticide preemption to roll this back, so that localities will be able to overrule the EPA and the state lead agency in favor of regulating pesticides in towns, cities, or counties despite the lack of scientific and technical resources available at the local level. NPMA strongly believes that the EPA and the state lead agency should be the only regulatory entities responsible for pesticide registration, sale, and use. Unless and until Congress clarifies the exclusive role of state lead agencies, localities can continue to impose conflicting regulatory restrictions without scientific assessment, economic analysis, consideration of the rights of property owners to control pests, or responsibility of public health agencies to control disease vectors. In order to best protect American health, food and property from pests

NPMA urges Congress to codify the exclusive role of state lead agencies as pesticide co-regulators with the EPA.

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PESTICIDE PREEMPTION BY STATE

