
REGISTRATION, USE MANAGEMENT, AND COORDINATION OF PESTICIDES

1. PURPOSE

This Directive defines the Animal and Plant Health Inspection Service (APHIS) policy regarding registration and the safe and proper use of pesticides for purposes related to APHIS program delivery systems.

2. REPLACEMENT HIGHLIGHTS

This Directive replaces APHIS Directive 6901.1, dated 5/1/01.

3. AUTHORITIES AND REFERENCES

The principal authorities governing pesticide registration and use include:

- a. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136-136y) amended by the Food Quality Protection Act (Public Law 104-170);
- b. Federal Food, Drug, and Cosmetic Act (21 U.S.C., Chapter 9, Sec. 301-397), amended by the Food Quality Protection Act (Public Law 104-170);
- c. National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*);
- d. Clean Air Act (42 U.S.C. 7401-7671q); and
- e. Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*).

Attachment 1 contains a more extensive list of related authorities and references.

4. DEFINITIONS

The definitions are derived from the United States Environmental Protection Agency's (EPA) Pesticide Program procedures (40 CFR 152-172):

- a. Certified Applicator. Any individual certified under FIFRA as competent to use or supervise the use of any pesticide classified for restricted use.
- b. Certification. The process of testing and certifying pesticide applicators in the use of pesticides, in accordance with FIFRA.

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- d. Emergency Exemptions. The authority given to EPA to exempt a State or Federal agency from the requirements of FIFRA, if emergency conditions exist. The four types of emergency exemptions that may be used are based on the following circumstances:
 - (1) Crisis. An exemption requested if the time available from discovery or prediction of a pest outbreak is insufficient for a pesticide to be registered for the particular use.
 - (2) Specific. An exemption requested if a pest outbreak has or is about to occur and no pesticide is registered and readily available or no other appropriate method is available to eradicate or control the pest.
 - (3) Quarantine. An exemption requested if significant economic or health problems will occur without the use of the pesticide.
 - (4) Public Health. An exemption to control a pest that will cause a significant risk to human health.
- d. Experimental Use Permit (EUP). A permit used for the purpose of accumulating data necessary to support a Section 3 registration or to support a registered pesticide for a use not previously approved in the registration process.
- e. Label. Any written, printed, or graphic matter attached to a pesticide or device or any of its containers or wrappers. This definition includes any pesticide regardless of its registration status.
- f. Registration. The process whereby EPA, other Federal agencies, and States all register pesticides under the authority of FIFRA.
- g. Restricted-Use Pesticide. A pesticidal product that only certified applicators or persons under their direct supervision may use.
- h. Special Local Needs (SLN). A registration that provides considerable authority to States to provide State-specific uses of federally listed pesticides for use within that State.

5. POLICY

- a. Pesticide Registration. APHIS normally will not be a registrant for the active ingredients or formulations of pesticides. In special cases, where a pesticide essential to meet APHIS program objectives would not otherwise be available, APHIS may consider holding a registration (FIFRA Section 3) and may formulate limited amounts of the compound for program use or may consider purchasing of

another pesticide product formulated by APHIS. This may include some technical and end use products. When the need to register a pesticide for APHIS has been determined, APHIS units will contact Policy and Program Development (PPD) for guidance and assistance in working with the manufacturer to secure a registration with EPA.

APHIS will use an Emergency Exemption (FIFRA Section 18) or a registered pesticide for SLN (FIFRA Section 24C) or an EUP (Section 5) when warranted for cases where APHIS or another registrant does not have a pesticide registered under Section 3 for a particular use.

- b. Domestic Use of Pesticides. APHIS may use only pesticides registered or otherwise permitted in accordance with FIFRA. In managing and coordinating the use of pesticides, it is APHIS policy to:
- (1) Examine all reasonable alternatives for pesticide use in APHIS programs. Pesticides and pesticide-based devices may be used as one of the tools of choice when determined to be necessary:
 - (a) For the protection of U.S. agriculture,
 - (b) For safeguarding natural resources, and
 - (c) After protection of the environment and human health and safety are carefully evaluated and treatments are in full compliance with all applicable public health and environmental protection statutes and regulations.
 - (2) Use pesticides in accordance with label instructions and requirements.
 - (3) Base actual use and recommended uses of pesticides on analyses of effectiveness, specificity, environmental impacts, and economic efficiency.
 - (4) Coordinate pest control/eradication projects, as appropriate, with Federal, State, and local agencies.
 - (5) Ensure the judicious and effective application of all pesticides.
 - (6) Use the means prescribed in pertinent environmental documentation or other reasonable means.
 - (7) Advise State and local officials, organizations, and others possibly affected, when pesticides will be applied aerially and, as appropriate, when areas will receive repeat treatment(s).

- (8) Transport, store, and dispose of pesticides and pesticide containers in accordance with all applicable Federal, State, and local laws and regulations.
- (9) Review all permittee, licensee, and grantee pesticide-use proposals and plans and approve as appropriate.
- (10) Monitor sensitive environments during pesticide applications to detect and evaluate unanticipated effects, as prescribed in pertinent environmental documentation.
- (11) Permit only certified personnel or those under the supervision of a certified applicator to use restricted-use pesticides.
- (12) Support research to develop and evaluate the effectiveness and environmental safety of new and improved pesticide formulations and application methods and to effectively transfer this technology.
- (13) Assist pesticide manufacturers in obtaining the registration of pesticides determined to be needed for APHIS programs where feasible.

- c. Use of Pesticides in Foreign Countries. APHIS will defer to the laws and standards within the country in which APHIS is conducting cooperative activities. The decision to use or not use a particular pesticide will depend on assessments of proposed program actions as outlined in Executive Order 12114.

The economic and environmental significance of the disease/pest and its threat to U.S. agriculture may require the use of pesticides that are not registered for use in the United States. Such use will be based on approval by the host country and conform to the requirements specified in the Food and Agriculture Organization of the United Nations International Code of Conduct on the Distribution and Use of Pesticides.

APHIS will not sponsor in its foreign programs the use of a pesticide that is prohibited or strictly regulated by Federal law in the United States. Any APHIS usage of pesticides in foreign countries that is subject to trade regulations under the Prior Informed Consent Procedures of FIFRA (Section 17) will require notification and approval from the host country.

6. RESPONSIBILITIES

- a. The Deputy Administrator, PPD, will:
 - (1) Advise the Administrator and operational units on:
 - (a) Availability and proper use of pesticides;
 - (b) Recordkeeping, and
 - (c) The status of all pesticides used within APHIS.
 - (2) Serve as the Administrator's liaison for APHIS with the Office of the Secretary, and other Federal or non-Federal groups concerned with pesticide use.
 - (3) Serve as the Administrator's liaison for APHIS with the Office of Pest Management Policy and other Departmental agencies on pest management issues.

- b. The Chief, Environmental Services (ES), PPD, is responsible for leadership, review, and guidance pertinent to the environmental analysis and compliance for APHIS' pesticide programs. The Chief will:
 - (1) Serve as the primary liaison with EPA on all administrative matters pertaining to pesticide registrations, re-registrations, meetings, applications, and amendments. He/she will provide leadership, consultation, and support on pesticide use.
 - (2) Participate and assist in recommending and developing national policies, objectives, priorities, standards, and procedures for pesticide use.
 - (3) Prepare pesticide labels and prepare applications for pesticide registrations and use exemptions as requested by APHIS programs.
 - (4) Cooperate with other agencies and organizations concerned with pesticides.
 - (5) Provide up-to-date information to regional, State, and headquarters directors; program managers; and area veterinarians-in-charge of pesticide registration, application techniques, and pesticide laws that apply to all APHIS units.
 - (6) Provide direction for training in pesticide use, pesticide safety, and certification of pesticide applicators.

- (7) Provide guidance in pesticide-use reporting in accordance with legislative bills and implementing regulations.
- c. The Deputy Administrator, Marketing and Regulatory Programs – Business Services (MRPBS), is responsible for the overall management of employee occupational safety and health programs, and for facility environmental compliance issues.
 - d. Deputy Administrators of International Services, Plant Protection and Quarantine, Veterinary Services, and Wildlife Services are responsible for implementing this Directive. They will appoint pesticide-use management coordinators or specialists.
 - e. Regional, State, and Headquarters Directors; Program Managers; and Area Veterinarians-in-Charge will:
 - (1) Provide up-to-date information on pesticide registration and application techniques to all APHIS field units.
 - (2) Provide advice and assistance to all APHIS field units on the implementation of pesticide laws and executive orders, Departmental regulations, and APHIS guidelines on pesticide use.
 - (3) Act as liaison with other agencies and organizations interested in APHIS pesticide-use activities.
 - (4) Provide advice and assistance to APHIS field units in the preparation and review of documents associated with environmental analysis, appeals, and litigation dealing with pesticide use.
 - (5) Provide training and certification opportunities for personnel who use pesticides.
 - (6) Provide necessary reports and records of pesticide use.
 - (7) Provide pesticide monitoring in APHIS programs.
 - (8) Ensure that all pesticide usage is performed in accordance with label requirements and that the pesticide usage poses no hazard to persons accessing areas where applications/procedures of pesticides are being used.
 - (9) Ensure that provisions are made for appropriate mechanical ventilation and maintenance of existing mechanical ventilation, necessary to protect all personnel performing pesticide operations/procedures.

7. REVIEW/APPROVAL OF PESTICIDE USE

Appropriate reviews and necessary approvals will be obtained before applying pesticides in APHIS programs. When requested, PPD will provide advice and assistance to the operational units regarding pesticide use to ensure compliance with NEPA provisions and all pertinent environmental statutes, regulations, and executive orders.

8. INQUIRIES

- a. Any questions regarding this Directive should be directed to ES, PPD, on 301-734-8565.
- b. This Directive can be accessed at *www.aphis.usda.gov/library*.

/s/

W. Ron DeHaven
Administrator

Attachment

List of Principal and Related Authorities and References for APHIS Directive 6901.1

Principal Authorities
Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136-136y)
Federal Food, Drug, and Cosmetic Act (21 U.S.C. Chapter 9, 301-397)
Food Quality Protection Act (Public Law 104-170)
Related Authorities and References
National Environmental Policy Act (42 U.S.C. 4321 <i>et seq.</i>)
Endangered Species Act of 1973, as amended (16 U.S.C. 1531 <i>et seq.</i>)
Clean Air Act (42 U.S.C. 7401-7671q)
Clean Water Act of 1977 (33 U.S.C. 1251 <i>et seq.</i>)
Resource Conservation and Recovery Act (42 U.S.C. 6901-6907)
Toxic Substances Control Act (15 U.S.C. 2601 <i>et seq.</i>)
Safe Drinking Water Act (42 U.S.C. 300j-6)
Federal Water Pollution Control Act, as amended (33 U.S.C. 1351 <i>et seq.</i>)
Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001-11050)
Occupational Safety and Health Act (3 U.S.C. Part C)
Executive Order 12114, Environmental Effects Abroad of Major Federal Actions (44 FR 1957)
Executive Order 12856, Federal Compliance With the Right-to-Know Laws and Pollution Prevention Requirements (58 FR 41981)
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations (59 FR 7629)
Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks (62 FR 19885)
Food and Agriculture Organization of the United Nations International Code of Conduct on the Distribution and use of Pesticides

/1 This list is not all inclusive. Applicable environmental review requirements may subsequently be promulgated that will relate to this Directive.