



Florida Farm Bureau Issue Brief

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Agriculture Chemicals

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Issue

The product label and the application of agricultural pesticides have always been regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), a statute that is implemented by the EPA. Several ongoing developments within EPA threaten to undermine farmers' ability to use important crop protection chemicals pursuant to FIFRA restrictions.

NPDES PERMIT REQUIREMENT

A top Farm Bureau priority is to achieve a legislative remedy to make certain that farmers and ranchers will not have to get a Clean Water Act (CWA) permit to apply pesticides when done in accordance with the FIFRA label, thus clarifying that FIFRA is the "law of the land". A federal court, in 2009, handed down an unprecedented ruling that declared the use of a pesticide, even in complete accordance with FIFRA, may constitute a "discharge of a pollutant" under the CWA if the pesticide is applied into, over or "near" waters of the U.S. Unless Congress acts, permit requirements are expected to become effective on April 9, 2011.

ATRAZINE

The herbicide atrazine has been used for more than 50 years and has been proven safe by more than 6,000 studies performed on the compound. Yet, in 2009, in response to requests from environmental activists, EPA re-opened the question of atrazine's use, even though the chemical went through the normal FIFRA re-registration process in 2006, and atrazine was not due for reconsideration until 2013. Atrazine is widely used in the production of corn, sorghum and sugar. If atrazine is removed from the market, it could not only seriously erode farmers' profitability, but set a dangerous precedent for other important pesticides that environmental activists would like to eliminate.

PESTICIDE SPRAY DRIFT

For decades, EPA and state pesticide policies have acknowledged that some small level of pesticide drift is unavoidable and does not pose an "unreasonable adverse effect" when a

pesticide is used according to product label restrictions. When it is determined that certain uses of a product could cause an unreasonable adverse effect, restrictions are placed on the use of the compound to meet the standard under FIFRA. In 2009, EPA proposed a new spray drift policy that would have the effect of setting an unachievable “zero drift” standard. The proposal would adopt a precautionary principle approach, effectively replacing FIFRA’s risk-benefit standard with a new zero-risk standard. In 2010, the agency withdrew its proposal due to an overwhelming response from the farming community. However, the EPA is expected to issue a similar proposal in 2011.

Legislative Status

In the 111th Congress, legislation was introduced in both the House and Senate to clarify that permits (specifically NPDES permits) are not required for pesticides applied in compliance with FIFRA. These bills would re-establish the legal primacy of FIFRA over all pesticide use, as well as instruct EPA and the courts that Congress did not intend other environmental laws to overtake FIFRA by creating duplicative regulatory burdens. Farm Bureau’s priority in the new 112th Congress is to get similar legislation introduced and passed before April 2011.

Farm Bureau Policy

FFBF Policy:

Right of Producers to Use Chemicals and Pharmaceuticals

We support the right of individual producers to use chemicals and pharmaceuticals in accordance with label restrictions. If the use has followed label directions, he or she shall not be held liable for damages.

AFBF Policy:

- Farm Bureau believes implementation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) should be based on credible scientific information in order to benefit farmers, the environment and the public and should be the sole federal regulatory authority over pesticides.
- Farm Bureau opposes any regulation that would require a permit prior to application of a chemical for crop protection.
- Atrazine, acetachlor and simazine are effective economical crop protection chemicals that must continue to be available to farmers.