



Overview of the States Pesticide Registration Process AAPCO Laboratory Committee

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STATES OVERVIEW



- States Authority & Enforcement Responsibility
- Role
- Types of Products Registrations
 - EPA Registered Products
 - Pesticide Devices
 - 25b Minimum Risk Pesticides
 - Others
- Data Requirements
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- Ongoing Registration Activities

States Authority & Enforcement Responsibilities

FIFRA §24- Authority of States

A State **may regulate** the sale or use of any registered pesticide within the State. However, the regulation on the sale and use of the pesticide **must not permit any sale or use prohibited by FIFRA**. In addition, the State shall **not** impose any requirements for **labeling or packaging in addition to, or different from, those imposed by FIFRA**.

FIFRA §26- State Enforcement

A State shall have **primary enforcement responsibilities** for pesticide use violations if EPA determines that such State has adopted and is implementing adequate pesticide use laws and regulations, enforcement procedures, and recordkeeping and reporting requirements.

States Role

- ❑ **State Registrations** under state laws
- ❑ **§24(c) State-Specific Registrations:** Additional or new uses of federally registered products for special local needs
- ❑ **§18 Emergency Exemptions:** Review and oversees emergency exemptions
- ❑ Primary **Enforcement** of pesticide use laws
- ❑ Pesticide **applicator/certification** laws

Types of Products registered by States

1. EPA registered products
 - End use products
 - Technical/Manufacturing use products
 2. EPA regulated products, but not registered
 - Pesticide devices
 3. Products exempt from regulations by EPA
 - FIFRA 25(b) Minimum Risk Pesticides
- Others
- Adjuvants
 - Fertilizers/Soil amendments/Seed and Feed

1. EPA Registered Products

- EPA Approval required prior to state submission (Except CA-End-use products with New AI - concurrent review)
- State submissions: 50 States plus DC and PR: Different Regulations, forms and requirements
- Application Fees (Average cost of \$15,000)
- Final Printed Labels (Container labels)
- EPA supporting documents
- Safety Data Sheets
- CSF's (some states)



2. Pesticide Devices

- Pesticide devices exempt from EPA registrations: i.e ultraviolet light systems, bug zappers, ultrasonic devices and water and air filters
- State submissions only required by: CA, CO, DC, HI, IN, KS, ME, MN, NV, OK, WY.
- Must be produced at EPA registered establishment
- Must be labeled according to 40 CFR 156.10
- Claims must not be false or misleading
- Subject to child-resistant packaging requirements

3. Minimum Risk Products 25(b) exempt

- ❑ Because EPA has determined that certain "minimum risk pesticides" pose little to no risk to human health or the environment, EPA has exempted them from the requirement that they be registered under FIFRA
- ❑ However, registration **IS required by 43 states** (including DC and PR)
- ❑ AK, CA, GA, HI, NE, NJ, NY, TN, TX do not require registration
- ❑ All states have the authority to regulate and enforce
- ❑ Examples: Natural Insect, Deer, Snake Repellents

4. Others

- Adjuvants** do not have pesticidal properties as defined by FIFRA
- EPA does not require registration: wetting and spreading agents, adhesives, emulsifying agents and other similar substances intended to be used with a pesticide to assist in its application or efficacy.
- 9 States define “pesticide” to include adjuvant: AR, CA, ID, KY, MS, TN, UT, WA, WY.
- Subject to label requirements that vary by state
- Fertilizers/Soil amendments/Seed and Feed**, not registered by EPA. Different states require registration.

Data Requirements

AZ, CA, FL HI, MA, NY, OK

- ❑ **Arizona:** Groundwater data for any “new” active ingredient (Environmental Fate)
- ❑ **California:** All data required by EPA (except residue), plus efficacy data and Volatile Organic Compound (VOC) content / Thermogravimetric (TGA) data. Ground and surface water concerns.
- ❑ **Florida:** Potential impact to surface and groundwater. Study summaries required for “new” active ingredient and analytical standards

Data Requirements

AZ, CA, FL HI, MA, NY, OK

- ❑ **Hawaii:** Groundwater data for any “new” active ingredient.
- ❑ **Massachusetts:** Groundwater concerns for “new” active ingredient.
- ❑ **New York:** All data required by EPA (DER’s). Use site considerations (Groundwater/Urban use), Regional use practices, etc.
- ❑ **Oklahoma:** Analytical method and standard required for new AI registrations

States Registration Approval Timelines (Days)

- AK- Alaska	48	- MA- Massachusetts	65	- PA- Pennsylvania	48
- AL- Alabama	47	- MD- Maryland	40	- PR- Puerto Rico	135
- AR- Arkansas	39	- ME- Maine	45	- RI- Rhode Island	23
- AZ- Arizona	21	- MI- Michigan	75	- SC- South Carolina	14
- CA- California*	152	- MN- Minnesota	56	- SD- South Dakota	75
- CO- Colorado	21	- MO- Missouri	10	- TN- Tennessee	8
- CT- Connecticut	91	- MS- Mississippi	20	- TX- Texas	47
- DC- District of Col	7	- MT- Montana	10	- UT- Utah	44
- DE- Delaware	20	- NC- North Carolina	29	- VA- Virginia	54
- FL- Florida*	29	- ND- North Dakota	45	- VT- Vermont	20
- GA- Georgia	22	- NE- Nebraska	50	- WA- Washington	31
- HI- Hawaii	44	- NH- New Hampshire	14	- WI- Wisconsin	24
- IA- Iowa	26	- NJ- New Jersey	54	- WV- West Virginia	14
- ID- Idaho	15	- NM- New Mexico	24	- WY- Wyoming	15
- IL- Illinois	18	- NV- Nevada	43		
- IN- Indiana	21	- NY- New York*	46		
- KS- Kansas	31	- OH- Ohio	12		
- KY- Kentucky	21	- OK- Oklahoma	11		
- LA- Louisiana	75	- OR- Oregon	44		

* Not new AI's for CA, FL & NY

ESTIMATED RENEWAL COSTS \$15,000

Ongoing State Registration Activities

- Label Amendments:** Label changes need to be submitted to all registered states prior to distribution
 - CA, NY and HI approve all label changes

- CSF updates:** For those states that require CSFs

- Renewals:** every state requires renewal (most are annual). Different fees and schedules per state. Also Document requirements may vary by state (labels, MSDS, sales data)

- 6(a)(2) Adverse effects reports:** required by CA, CT, FL, ME, NJ*, NY, VT*
 - NJ: only if adverse effect occurs during proper use
 - VT: only if adverse effect incident occurred in the state



Questions?