### FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

| Designed: | Insecticide Act of 1910 was repealed. |
| Major revision: | Administered by the Environmental Protection Agency. |
| This, the Federal Environmental Pesticide Control Act of 1972, completely revised the Federal Insecticide, Fungicide, and Rodenticide Act, but retained the latter designation. All provisions were to become effective within five years of enactment. |

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1 Not all amendments are necessarily cited here or in subsequent chapters of this book when statutes are presented. Amendments of a “housekeeping” nature usually are omitted. The term “major revision,” as applied in some instances, means amendments were made which changed substantially some of the earlier concepts or policies. The term “amended,” as used in this book when statutes are presented, means a rewriting of the law or rephrasing portions of it without necessarily changing the major concepts or policies. These terms are chosen and used on a strictly arbitrary basis to help guide the reader concerning the more important amendments. All amendments to original legislation are referred to in the United States Code and the United States Code Annotated and these publications should be consulted when details regarding the laws are desired.

2 Beginning with the 85th Congress, public laws are numbered to include the number of the Congress which passed them. Thus, instead of referring to a public law as “Public Law 487, 89th Congress, 2nd Session,” it could be referred to simply as “Public Law 89-487.” Citations in the United States Code further abbreviate this to “Pub. L. 89-487.”
As can be seen in the above chronology, pesticides have been a subject of legislation for a considerable time. The law reported here relates to pesticide registration, protection of the environment, control of the use of pesticides during food production and the health and safety of persons who apply them or otherwise may be exposed to them. It complements the Federal Food, Drug, and Cosmetic Act which is concerned with residues of pesticide chemicals remaining in or on foods after use in production. Discussion of pesticides is deferred to Chapter 44 so the two acts may be viewed together.

The current law, presented in its entirety below, is codified as Subchapter II—Environmental Pesticide Control in Chapter 66—Insecticides and Environmental Pesticide Control under Title 7—Agriculture in the United States Code. Since 1970, the Federal Insecticide, Fungicide, and Rodenticide Act has been enforced by the administrator of the Environmental Protection Agency. Prior to that time, similar legislation was administered by the Secretary of the Department of Agriculture.

§ 136. Definitions

For purposes of this subchapter—

(a) Active ingredient

The term “active ingredient” means—

(1) in the case of a pesticide other than a plant regulator, defoliant, or desiccant, an ingredient which will prevent, destroy, repel, or mitigate any pest;

(2) in the case of a pest regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the product thereof;

(3) in the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant; and

(4) in the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

(b) Administrator

The term “Administrator” means the Administrator of the Environmental Protection Agency.

(c) Adulterated

The term “adulterated” applies to any pesticide if:

(1) its strength or purity falls below the professed standard of quality as expressed on its labeling under which it is sold;

(2) any substance has been substituted wholly or in part for the pesticide; or

(3) any valuable constituent of the pesticide has been wholly or in part abstracted.

(d) Animal

The term “animal” means all vertebrate and invertebrate species, including but not limited to man and other mammals, birds, fish, and shellfish.

(e) Certified applicator, etc.

(1) Certified applicator

The term “certified applicator” means any individual who is certified under section 136b of this title as authorized to use or supervise the use of any pesticide which is classified for restricted use. Any applicator who holds or applies registered pesticides, or uses dilutions of registered pesticides consistent with subsection (ee) of this section, only to provide a service of controlling pests without delivering any unapplied pesticide to any person so served is not deemed to be a seller or distributor of pesticides under this subchapter.

(2) Private applicator

The term “private applicator” means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

(3) Commercial applicator

The term “commercial applicator” means an applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by paragraph (2).

(4) Under the direct supervision of a certified applicator

Unless otherwise prescribed by its labeling, a pesticide
