



Tribal Pesticide Program Council

Fall 2023

History of Federal Regulation of Pesticides

Pesticide use has been practiced for thousands of years to protect agricultural crops from pests, ward off insects from people's homes, and even as a technique to keep thieves away from crops. There are historical records of pesticides such as sulfur and botanical compounds being used as far back as 1000 BC. There was a long gap however between the advent and use of pesticides and their legal management and regulation. Initially, pesticide regulatory laws in the United States were aimed



at ensuring products were composed of what they were advertised as and that they functioned as intended. The Insecticide Law of 1901 passed in the state of California was the first law to standardize pesticide content. Shortly afterward the first federal law regulating pesticides, the Insecticide Act of 1910, prohibited the manufacture, sale, and transportation of adulterated or misbranded pesticides and standardized the content of the two most common pesticides used at that time. The U.S. Department of Agriculture (USDA) with the goal of supporting and promoting U.S. agriculture, was the enforcing agency of this law at the time of its passing.

Pesticide Regulation and Risk Assessment

Pesticide regulation continued to evolve and became more nuanced, and considered risks to human health and the environment. Congress passed the Federal Food Drug and Cosmetic act in 1938, which set tolerance levels of pesticide residues in foods based on risk analysis. Risk analysis is meant to strike a balance between the stability of the food system, industrial economics, and

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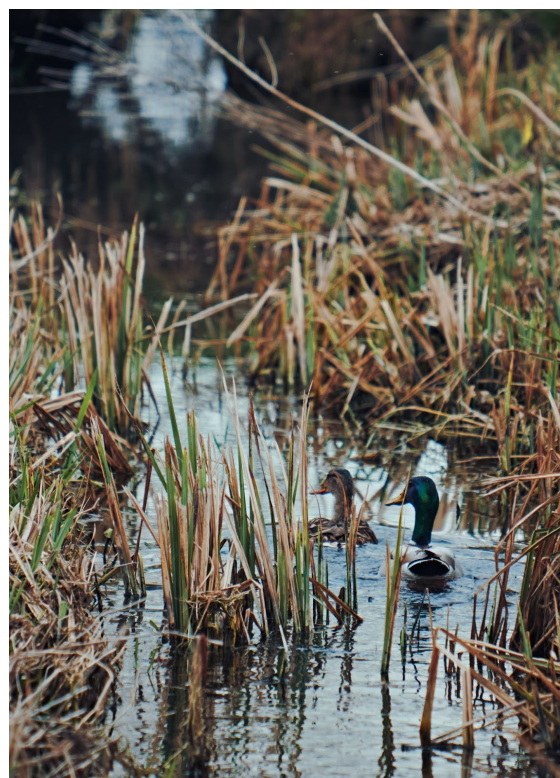
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History of Federal Regulation of Pesticides (*continued*)

consumer health. This interpretation of risk has posed, and continues to pose challenges in pesticide regulation. In 1947 the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) was enacted and has since been amended numerous times. FIFRA requires that pesticides are registered with the EPA and that when they are used as recommended, that they do not present unreasonable risks to the environment or human health. Companies that produce pesticides are responsible for producing and providing data to the EPA to satisfy registration requirements, although the EPA would not be officially formed until 1970.

The Environmental Movement

In the 1960s and through the 1970s environmental issues inspired concern over human impacts to natural ecosystems, resulting in a myriad of pesticide regulation and enforcement related policies and agencies. The landmark novel *Silent Spring*, published by Rachel Carson in 1962, informed the public of the drastic effects of pesticides on wildlife. Similarly, the Cuyahoga River fire in 1969 sparked public concern over environmental pollution. The river was so polluted that it caught fire, which led to various pollution management efforts such as the Clean Water Act and the Great Lakes Water Quality agreement. More federal oversight of pesticide regulation and enforcement began to take shape. In 1970 President Nixon signed the National Environmental Policy Act (NEPA) which formed the Council on Environmental Quality (CEQ) that would serve to advise the president on environmental issues. The CEQ also reviewed environmental impact statements that became required for all federally-funded projects that have the potential to affect the environment.



In 1970 millions of Americans celebrated the first ever Earth Day, and later in the same year the Environmental Protection Agency was formed. The role of the EPA is to perform research, to monitor, and to enforce environmental standards related to human health including air, water, and land. This included the passing of the Clean Air Act which set standards for air quality, emissions, and pollution. The first head of the EPA, William Ruckelshaus, oversaw the seven month hearing on DDT, the pesticide featured in Rachel Carson's *Silent Spring*, resulting in the pesticide being banned in 1972. This ban spurred an extensive review of pesticides to determine the risks they present. Further bans were implemented in 1972 with the Ocean Dumping Act preventing oceanic pollution and in 1974 with the Safe Drinking Water Act. In 1975 two pesticides, heptachlor and chlordane, were suspended as they were found to have caused cancer in mice and rats. The EPA saw that pesticides presented risks at various points in creation and use so in 1976 the Resource Conservation and Recovery Act provided the EPA with the authority to manage hazardous waste from its generation, through transportation and storage all the way until disposal. In 1976 President Ford signed the Toxic Substances Control Act to reduce the health and environmental risks related to synthetic and organic chemicals found in products and the environment. In 1977 public water

History of Federal Regulation of Pesticides (*continued*)

suppliers were required to test drinking water and notify customers if the water did not meet EPA standards. Policies established in the 1970s also provided further support for worker safety with the Federal Environmental Pesticide Control Act of 1972. This act set standards for labeling and classifications of pesticide products with the goal of protecting farmers, farm workers, and other people who interact with pesticides and pesticide residues. Worker protection standards for those with occupations that involved pesticides were set in 1974, and these standards continue to be revised with the goal of reducing occupational exposure to pesticides through training, restricted entry intervals, protective equipment, posting of information, and more.

Pesticide Regulation; Today and Tomorrow



Pesticide regulation continues to be a concern and priority for governments, workers, and consumers, and many more programs have been established to manage and prevent the impacts of pesticides since the environmental movement. As we learned at the TPPC Fall 2023 Meeting, the impacts of pesticides can be exacerbated by the influences of climate change such as drought and warmer air and water temperatures, so new challenges continue to present themselves. Pesticides continue to be assessed

for risk such as through the Endocrine Disruptor Screening Program. As new technologies are released, such as aerial drone pesticide applicators, they must be assessed for efficacy and safety. Pesticide labeling laws continue to be expanded, such as by the EPA bilingual labeling project to promote worker safety and accurate use of products. Tribes across the nation are also making strides in establishing pesticide programs that suit their unique needs and cultures. History teaches us that pesticide regulation is an ongoing process that must continue to be refined and expanded.

Links

<https://www.epa.gov/history/milestones-epa-and-environmental-history>

https://www.ers.usda.gov/webdocs/publications/41928/19059_ah719d_1.pdf?v=0#:~:text=The%20Federal%20Insecticide%2C%20Fungicide%2C%20and,labeling%20instructions%2C%20without%20posing%20unreasonable

<https://scholarworks.uark.edu/cgi/viewcontent.cgi?article=1053&context=jflp>

Conferences & Meetings

SFIREG Meeting

The State FIFRA Issues Research & Evaluation Group (SFIREG) will hold its semi-annual meeting **December 4-5** in Washington, DC. For more information see <https://aapco.org/2015/07/30/sfireg-3/>

AAPCO Spring Meeting

The Association of American Pest Control Officials (AAPCO) will hold its Spring meeting **March 3-6** in Alexandria, VA. For more information see <https://aapco.org/2015/07/31/aapco-2/>

Trainings & Courses

Federal Certification Training for Private Applicators of RUPs within Indian Country

The EPA will be holding its quarterly training for private applicators of RUPs virtually on **November 8-9**. For more information visit <https://www.epa.gov/pesticide-applicator-certification-indian-country/training-private-applicators-under-epa-plan>

Basic PIRT

The Georgia Department of Agriculture will host a Basic Pesticide Inspector Residential Training (PIRT) on **December 3-7** in Savannah, GA. For more information see <https://www.epa.gov/compliance/pesticide-inspector-residential-training-pirt>



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At-Large Representative

The TPPC is a member-based organization with more than 78 members from 45 Tribes and tribal organizations as of January 2023, whose activities are funded by a cooperative agreement with the EPA. The Council serves as a tribal technical resource, and provides a forum for dialogue between Tribes and the EPA on program and policy development relating to pesticides issues and concerns. Assistance provided to Tribes includes support in building tribal pesticide programs and conducting pesticide education and training, and the preparation of resources for Tribes interested in specialized issues such as Integrated Pest Management and pollinators. Through its interaction with the EPA, the TPPC keeps Tribes informed of developments in the regulation of pesticides and pesticide use, and provides feedback to the EPA on such matters from a tribal perspective (though it is important to note that communication between the EPA and the TPPC does not substitute for direct government-to-government consultation).

For information about how to join the TPPC, contact Mark Daniels at mark.daniels@nau.edu or (928) 523-8897.

