

States may impose additional conditions on pesticide use where special problems related to their use are encountered.

General-use pesticides may be applied by anyone and no permit is required, although the user must still comply with labeling requirements and other regulations.

Restricted-use pesticides fall under one of three different permitting categories.

1. Private applicators who apply pesticides in producing an agricultural commodity on their own lands or on lands under their control.
2. Commercial applicators who are required to have permits in order to apply pesticides to other people's lands in exchange for a fee.
3. Experimental use applicators, who are usually manufacturers or researchers, are required to have an experimental use permit to test an unregistered pesticide in order to gather data to support its registration.

Each permitting category is subject to separate testing and certification procedures and may be subject to different penalties for violations.

What are the penalties?

Commercial applicators, wholesalers, dealers, retailers or distributors who violate the act or their permits are subject to civil fines of up to \$5,000 per offense. They are also subject to criminal penalties of \$50,000 and one year in prison for knowing violations.

Private applicators are entitled to a written warning, but subsequent violations may be punished by a fine of up to \$1,000 per offense. Knowing violations may bring criminal fines of \$25,000 and one year in prison.

Employers may also be assessed for the violations of their employees or agents acting on their behalf.

Source: 7 U.S.C. § 136 to 136y.

Toxic Substances Control Act

Overview

The Toxic Substances Control Act (TSCA) of 1976 governs the:

- manufacturing,
- importing,
- distributing, and
- processing of all toxic chemicals.

TSCA requires that all such chemicals be inspected and approved by the EPA before they enter the market. The EPA has the option to restrict the chemical, run tests, and gather data during its pre-approval determination of whether the chemical represents a threat to health or the environment.

TSCA does not cover the following:

- pesticides (which are covered by FIFRA),
- tobacco or tobacco products,
- certain nuclear materials, and
- chemicals which are covered by the Food, Drug and Cosmetic Act.

All other chemicals, if they are not already on the EPA's approval list, are subject to review before they are released into the stream of commerce. The Act specifically dictates that the EPA create restrictions for PCB's (the only chemical identified by name) as part of the mandate of TSCA.