

collected for the permit, the inspections and any other necessary services performed by the DHRS. Generally, the fees range from \$5 to \$100. The inspection and permitting of a standard residential system is about \$50.

It is essential to note that local governments will often require separate permits (like plumbing permits) and impose separate requirements for the installation and repair of disposal systems. In many cases, the issuance of these permits will be contingent upon the applicant having already obtained a DHRS permit.

## **What are the alternatives?**

The rules give the individual county public health departments the authority to approve alternative on-site systems like mounds, gravity sewers, low pressure pipe and other systems so long as the county feels there will be no adverse effects. The DHRS retains authority to approve the use of temporary measures, like portable toilets, as well.

The DHRS rules also create a statewide board which hears requests for variances. The board has the power to excuse compliance from the rules where it deems compliance to be unduly burdensome on the applicant.

Sources: Fla. Stat. § 381.272; 100-6, F.A.C.

Contact Information: S-6, S-2

## **Pesticides**

### **Who regulates pesticides?**

The use of agricultural pesticides falls within the purview of several federal statutes as well as Florida law. Under federal law, pesticides are primarily regulated by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). Many other federal statutes and agencies come into play, though, in more particular situations.

Florida has passed additional legislation designed specifically to cover the use of pesticides, with enforcement authority vested primarily in the Florida Department of Agriculture & Consumer Services (DACCS). Many of these laws and regulations are similar to those enacted by the federal government.

### **What is so important about pesticide labels?**

Pesticide labels have become a central tool for enforcement of both FIFRA and state law. Under FIFRA, users must comply with all the application and precautionary instructions on the label. In this sense, the label is the law. Failure to comply with the label can result in strict penalties. It is important to note that the farmer can be penalized even if an employee of the farmer was responsible for the failure to follow the label instructions.

The Florida statutes excuse pesticide users from following the instructions on the label only to the extent that:

- the pesticide may be applied in lesser dosages, concentrations, or frequencies than recommended by the label; or
- the pesticide may be used against a pest not specified as a target pest by the label, so long as the application is to a crop, animal or site specified by the label and the label does not prohibit the application; or
- applicators may employ any method of application not prohibited by the labeling; or
- applicators may mix the pesticide with a fertilizer when not prohibited by the labeling.