

# The Association of American Pesticide Control Officials together with The U.S. Environmental Protection Agency (EPA)

As part of a cooperative state/federal outreach program, your company, or your Internet site has been identified as possibly being involved in the sale or distribution of materials or products classified as pesticides. This notice is intended to alert you that this activity may be regulated under both federal and/or state law. Please read the following information carefully and visit the sites referenced at the end of this message. In order to avoid other agencies duplicating this message to you, please acknowledge your receipt of this message to the sender.

Any material, whether naturally derived or not, that is used or intended to be used for control or elimination of any pest (weeds, insects, microorganisms, etc.) is classified as a pesticide. EPA has developed an Internet site to help you determine what is considered a pesticide. <http://www.epa.gov/pesticides/about/index.htm>.

Examples of products that are pesticides are:

- Cockroach sprays and baits
- Insect repellants
- Rat and mouse poisons
- Flea and tick sprays, powders, collars, and wrist bands
- Disinfectants and sanitizers
- Mold and mildew controls
- Lawn and garden products that kill weeds, insects, or some plant diseases
- Some swimming pool chemicals
- Insect control chalk (also known as Chinese chalk)
- Plant protection chemicals that kill weeds, insects, or plant diseases

While there are a few exceptions, most pesticides require registration with the EPA and with any state in which they are sold or distributed. Even advertising products or materials that may be classified as pesticides may be construed as distribution of a pesticide. It is against the law to sell unregistered or misbranded pesticides in the United States. This means that if you produce, sell, or offer for sale a pesticide product or device<sup>1</sup> via the Internet that is mislabeled, not registered, or no longer registered, you could be breaking the law and subject to penalties, including fines. Generally, it is the *seller's responsibility* to ensure that pesticides sold over the Internet are labeled according to federal standards and are registered by EPA and any state in which they are distributed before offering them for sale.

The following important points should be considered regarding your establishment operations:

- > **Federal and State Law:** The EPA administers the federal pesticide law and each state has a pesticide control law that further restricts and/or clarifies local administration of pesticide commerce. BOTH levels of law must be followed.
- > **Distribution:** Actual sale and distribution of pesticides are regulated by both the EPA and the states.

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<sup>1</sup> A pesticide device is any instrument or contrivance (other than firearm) which is intended for trapping, destroying, repelling, or mitigating a pest, but NOT including the equipment used to apply pesticides.

Some states have declared specific general use pesticides as “State-Limited-Use” pesticides. These pesticides may require a dealer license to sell and a certification to purchase and use them.

> **Dealer Licensing:** Many states also require that all pesticide dealers operating in that state be licensed, even if the dealer is not physically located in the state. This includes sales over the Internet. Many states also regulate the offer for sale of pesticides even though the company does not take possession of the products being offered for sale (such as auction sites or electronic brokerage).

> **Certified Applicators:** Some pesticides are classified as “Restricted Use” pesticides (RUPs). Both federal and state laws require sellers and/or buyers of RUPs to be licensed or certified by the state agencies where either party involved in a transaction may operate.

> **Records:** Many states require that sales records be kept and reports of transactions be submitted on a regular basis.

It is beyond the scope of this message to summarize all of the requirements of federal and state pesticide law. Your electronic commerce site has been entered into the [list tracking site here] that serves as a resource to the pesticide regulatory agencies to track electronic commerce of pesticides. The intent of this tracking is to reduce the number of times you may receive this message, as well as be a tool for the regulatory agencies.

To review specifics on the federal pesticide law (Federal Insecticide, Fungicide, and Rodenticide Act), please click here: <http://www4.law.cornell.edu/uscode/7/ch6.html>

To obtain a list of all state pesticide agency home pages, please click here: <http://aapco.ceris.purdue.edu>

For information about federal pesticide registration, please click here:  
<http://www.epa.gov/pesticides/regulating/registering/index.htm>

This notice does not constitute a warning or enforcement action by any federal or state authorities. Such authorities may independently pursue any initiative that, in their judgement, they believe is appropriate. Similarly, this notice does not reflect the enforcement policy of any federal or state authorities.

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