

## **Florida Policy For Certain Pesticide Substances Exempt From Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA section 25(b))**

Effective May 6, 1996 the Environmental Protection Agency (EPA) exempted products containing thirty-one (31) pesticidal active ingredients and one hundred sixty (160) inert ingredients from FIFRA regulation. EPA concluded exemption of these products would not pose unreasonable risks to public health or the environment.

This federal rule also allows states such as Florida, whose pesticide laws do not allow for such exemptions, to continue enforcement of their state provisions. As such, the following conditions must be met in order to market in Florida those pesticide products subject to FIFRA section 25(b):

1. Each product brand name (including alternate product brand names) must be registered.
2. The words: “EPA EXEMPTED PRODUCT” must appear on each Florida Application For New Or Amended Pesticide Product Brand Registration Form (DACS-13342)
3. Final printed labels must not bear EPA registration numbers.
4. “Active” ingredients **must** be listed in 40 Code of Federal Regulations (CFR) 152.25(g) as exempt from the requirement for federal registration. “Inert” or “Other” ingredients must be listed on EPA Inerts List 4A (40 CFR 180.950).
5. Under the heading of “Active Ingredients”, each product must bear a final printed label identifying the name and percentage by weight of each active ingredient. Under the heading of “Inert or Other Ingredients”, each inert or other ingredient must also be listed by name. The inert or other ingredients must be shown as one (1) total percentage for all inert or other ingredients combined. The combined percentages of active and inert or other ingredients must equal 100%.
6. A statement that product is EPA exempt must appear on the label. Examples of label wording are as follows:
  - a. “EPA EXEMPTED PRODUCT”
  - b. “This 25(b) product is exempt from registration with the Federal Environmental Protection Agency under FIFRA regulations”
  - c. “This product has not been registered by the United States Environmental Protection Agency. [The name of company] represents that this product qualifies for exemption from registration under FIFRA”
  - d. An acceptable equivalent for review and acceptance by Florida.

7. The product must not include any false or misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).
8. The product must not bear claims to either control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including but not limited to ticks that carry Lyme disease.
9. Product(s) which bear EPA registration numbers and are presently in Florida trade channels will continue to fall under FIFRA regulation.