

Handbook of Florida Water Regulation: Food Quality Protection Act¹

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Preface

This handbook is designed to provide an accurate, current, and authoritative summary of the principal federal and state (Florida) laws that directly or indirectly relate to agriculture. This handbook provides a basic overview of the many rights and responsibilities that farmers and farmland owners have under both federal and state laws as well as the appropriate contact information to obtain more detailed information. However, the reader should be aware that because the laws, administrative rulings, and court decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time. Several details of cited laws are also left out due to space limitations.

This handbook is distributed with the understanding that the authors are not engaged in rendering legal or other professional advice, and the information contained herein should not be regarded as a substitute for professional advice. This handbook is not all inclusive in providing information to achieve compliance with the federal and state laws and regulations governing water protection. For these reasons, the use of these materials by any person constitutes an agreement to hold harmless the authors, the Florida Cooperative Extension Service, the Institute of Food and Agricultural Sciences, and the University of Florida for any liability claims, damages, or expenses that

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FQPA Overview

In 1996, the federal Food Quality Protection Act (FQPA) amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (see [FE588](#)) with respect to the United States Environmental Protection Agency's (EPA) process of establishing tolerances (the amount of pesticide residue that can be legally present in/on food) for pesticide residues in food and in the atmosphere. The primary purpose of FQPA is to protect the public from the health risks presented with exposure to excessive pesticide residues in/on foods and in the everyday surroundings, such as in the home and at work.

Why Is FQPA Significant?

FQPA represents the single largest shift in federal pesticide policy and process ever undertaken. FQPA has profoundly changed the way pesticide tolerances are determined. Before FQPA, each pesticide was examined individually when setting a residue tolerance. Now EPA must consider the collective effects of all pesticides that act in the same manner on human health. Also before FQPA, when setting residue tolerances, EPA only considered exposure to pesticides in food. Now EPA must consider cumulative exposure through all possible sources, including drinking

1. This is EDIS document FE589, a publication of the Food and Resource Economics Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL. Published December 2005, revised June 2011. Please visit the EDIS website at <http://edis.ifas.ufl.edu>.
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water. Furthermore, before FQPA, EPA, in setting residue tolerances, added safety factors to account for animal testing and human unpredictability, creating a 100- to 1,000-fold safety margin. Now EPA must consider infants and children in setting residue tolerances. An additional ten-fold safety factor may be added to protect infants and children, creating a 1,000- to 10,000-fold safety margin.

Provisions added to FIFRA by the enactment of FQPA include:

- A single health-based safety standard for pesticide residue tolerances in both raw and processed foods
- An explicit determination that residue tolerances are safe for children
- The requirement that all existing tolerances be reassessed under the new standard
- EPA must review all existing residue tolerances within ten years

How Does FQPA Affect Farmers, Agricultural Landowners, and Other Pesticide Users?

The changes that FQPA introduced into EPA's determination of residue tolerances have limited the amount of a given pesticide that can be used for any particular purpose/situation (the limits vary according to the type of pesticide). In order to add a new use to an existing pesticide or to add a new pesticide product to be used for a particular purpose/situation under FQPA's requirements, the pesticide manufacturer can either (1) make label or formulation changes so the pesticide is safer than before the change or (2) eliminate an existing pesticide and/or its use for a particular purpose/situation. This makes it very important for farmers, agricultural landowners, and other pesticide users to check the label on the pesticide container before they purchase and use a pesticide—no matter how familiar they are with the pesticide, how many years they have used the particular pesticide, or how many times they have purchased the particular pesticide. FIFRA requires strict compliance to the instructions printed on all pesticide labels. Pesticide labels are important because they have become a central tool of enforcing FIFRA and state laws (see the “What Is So Important about Pesticide Labels?” section of FE590). Failure to comply with the label can result in strict penalties, violations of FIFRA and CERCLA, and liability for CERCLA cleanup costs (see the CERCLA

exemption and penalty sections of FE584, and the FIFRA labeling requirement and penalty sections of FE588).

In addition, 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.

For more information on FQPA, please contact EPA.

Source

104 HR 1627

7 United States Code, Sections 136 to 136y

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Acknowledgments

The authors are indebted to the personnel of both state and federal agencies who provided their time and advice in the preparation of this handbook.