

USEPA Propose Policy Under FIFRA Relating to Nanoscale Materials in Pesticides

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On June 17, 2011, USEPA published in the Federal Register a proposed policy for obtaining information on nanoscale materials present in pesticides. The policy defines a nanoscale material as an active or inert ingredient and any component parts thereof in a pesticide that is intentionally produced to have at least one dimension measuring between approximately 1 and 100 nanometers. USEPA's June 17 policy ultimately proposes a case-by-case approach for determining whether an active or inert nanoscale ingredient present in a pesticide is a "new" ingredient, thus requiring that the ingredient be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). An active or inert nanoscale ingredient may be considered "new" even if an identical non-nanoscale form of that ingredient is already registered.

USEPA's policy also proposes two approaches under FIFRA for obtaining information on nanoscale materials present in pesticides. These approaches include obtaining information under either: (1) Section 6(a)(2) of FIFRA, which would require that applicants or registrants report information regarding any nanoscale materials present in a pesticide product and on any potential adverse effects that such nanoscale material may have on the environment; or (2) Section 3(c)(2)(B) of FIFRA, which provides for Call-In data notices. USEPA states that it favors FIFRA section 6(a)(2) as the most efficient and expedient administrative approach to obtaining information about nanoscale materials in pesticides.

USEPA is accepting comments on this proposed policy until July 18, 2011.

1 Min Read

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