

# 2021 Handbook of Florida Water Regulation: Food Quality Protection Act<sup>1</sup>

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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decisions on which this handbook is based are subject to constant revision, portions of this publication could become outdated at any time.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 provided as an educational text for those interested in water use and water resource issues in Florida.

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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 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, and the cumulative exposure

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through all possible sources. Furthermore, in setting residue tolerances, EPA has created a large safety margin to protect humans, animals, and the environment.

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 determine that pesticides can be used with “a reasonable certainty of no harm”
- The requirement to consider the aggregate risk and cumulative exposure to pesticides when assessing tolerances
- The requirement that each pesticide’s registration be reviewed every fifteen years to make sure that the pesticides still meet FIFRA standards

### How does FQPA affect 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). 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 or its use 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, 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 with 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 [FE590](#)). Failure to comply with the label can result in strict penalties for violations of FIFRA and CERCLA, and liability for CERCLA cleanup costs (see [FE584](#), and the FIFRA labeling requirement and penalty sections of [FE588](#)).

***It is also important to note that farmers and landowners can be penalized even if one of their employees were responsible for the failure to follow the label instructions.***

For more information on FQPA, please contact EPA.

## Sources

104 HR 1627

7 United States Code, Sections 136 to 136y

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