

# PESTICIDE REGULATIONS

A predictable, enforceable, science- and-risk-based pesticide regulatory framework is essential for maintaining agricultural productivity while minimizing adverse impacts on human health, the environment and endangered species. State primacy for pesticide regulatory enforcement is a cornerstone of that framework. NASDA encourages Congress and EPA to provide adequate resources to state lead agencies and strive to meaningfully implement their feedback on pesticide policy initiatives, particularly related to the enforcement of Endangered Species Act mitigation measures on pesticide labels.



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## BACKGROUND

### State Agriculture Departments' Role in Pesticide Regulations



In 43 states and Puerto Rico, the state department of agriculture is a co-regulatory partner with EPA and is responsible for administering, implementing and enforcing the production, labeling, distribution, sale,

use and disposal of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

In addition to state-level registrations of pesticides, some key pesticide regulatory implementation activities led by states include:

- 1. Producer Establishment & Marketplace Inspections:** States inspect sites where pesticides are produced, distributed and sold to ensure that the products purchased by users are properly registered and labeled.
- 2. Applicator Certification and Education:** States work with pesticide safety educators to ensure applicators are trained and certified to use pesticides in accordance with the label.
- 3. Compliance Enforcement:** State inspectors conduct both routine and for-cause investigations to ensure pesticides are used according to the label. This is key to protecting applicators, workers and the public, as well as preventing adverse effects on the environment.

### Endangered Species Act Workplan

Under the Federal Insecticide, Fungicide, and Rodenticide Act, the EPA is required to assess a wide variety of potential human health and environmental effects when considering a pesticide product for registration or re-registration, including impacts on species or critical habitats identified by the U.S. Fish and Wildlife Service.

Following years of legal challenges to these efforts, the EPA published its Endangered Species Act Workplan, a systematic approach to bring future pesticide registrations into

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compliance with the act. To date, under the workplan, EPA has published a final Herbicide Strategy and final Insecticide Strategy. A draft Fungicide Strategy is expected in 2026, and a final Rodenticide Biological Evaluation and final Vulnerable Species Pilot Project have also been published.

NASDA commends EPA on its significant efforts to refine its original draft Herbicide and Insecticide Strategies into final strategies that offer more flexible measures for growers and pesticide applicators to mitigate the impacts of pesticide runoff and drift on endangered species and critical habitats. As these more flexible mitigation measures are being applied to new pesticide labels, however, state lead agencies need additional clarity on how to standardize certain inspection and documentation processes.

## NASDA'S POLICY RECOMMENDATIONS

NASDA urges EPA to continue to engage in robust dialogue with state lead agencies to incorporate feedback about the enforceability of key mitigation measures. 2026 will be a critical year for on-the-ground implementation of the Endangered Species Act Workplan. The states' abilities to meaningfully enforce these new provisions are instrumental for minimizing adverse impacts on human health, the environment, endangered species and critical habitats.

NASDA has outlined some of its specific priorities for pesticide regulations in the following public comments and letters submitted in 2025:

- [Comments on the Updated Mitigation Proposal for the Atrazine Interim Registration Review Decision](#)
- [Comments on Varroa Mite Pesticide](#)
- [Letter on Priorities for FY26 to House Appropriations Subcommittee on the Interior, Environment, and Related Agencies](#)
- [Comments on EPA's Proposed Registrations of Over-the-Top Dicamba Products](#)

### Key NASDA Positions on Federal Insecticide, Fungicide, and Rodenticide Act Implementation

- NASDA supports the science-based and comprehensive regulatory framework FIFRA provides to pesticide-related environmental and public health protection.
- NASDA supports state primacy in the enforcement of pesticide activities under FIFRA.
- EPA must recognize states are not stakeholders but are co-regulatory partners under FIFRA and, therefore, must be consulted on any FIFRA regulatory or policy initiatives.
- NASDA calls for appropriate and sustained funding for state lead agencies as co-regulatory partners with EPA under FIFRA.

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