



Why is my Biostimulant a Pesticide???

I just want to help my plants grow!!

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What is FIFRA?

- Federal Insecticide Fungicide Rodenticide Act
- Passed Originally in 1947
- Amended in 1958 (FFDCA Amendment)
- FIFRA Amended in 1988
- FQPA 1996 (eliminated Delaney Clause)
- All pesticides are regulated under FIFRA
- As are all PGRs



FIFRA

2(u) PESTICIDE.—The term “pesticide” means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer



Plant (Growth) Regulator

2(v) PLANT REGULATOR.—The term “plant regulator” means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. Also, the term “plant regulator” shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, non-poisonous in the undiluted packaged concentration.



Plant (Growth) Regulator

- 40CFR152.6

Products intended to aid the growth of desirable plants. A product of any of the following types, intended only to aid the growth of desirable plants, is not a “plant regulator” under section 2(v) of FIFRA, and therefore is not a pesticide:

A plant nutrient product, consisting of one or more macronutrients or micronutrient trace elements necessary to normal growth of plants and in a form readily usable by plants.

A plant inoculant product consisting of microorganisms to be applied to the plant or soil for the purpose of enhancing the availability or uptake of plant nutrients through the root system.

A soil amendment product containing a substance or substances intended for the purpose of improving soil characteristics favorable for plant growth.



Plant (Growth) Regulator

2(v) Also, the term “plant regulator” shall not be required to include any of such of those nutrient mixtures or soil amendments as are commonly known as vitamin-hormone horticultural products, intended for improvement, maintenance, survival, health, and propagation of plants, and as are not for pest destruction and are nontoxic, non-poisonous in the undiluted packaged concentration.



40CFR152.6(f)

2- Vitamin hormone products. A product consisting of a mixture of plant hormones, plant nutrients, inoculants, or soil amendments is not a “plant regulator” under section 2(v) of FIFRA, provided it meets the following criteria:

- (1) The product, in the undiluted package concentration at which it is distributed or sold, meets the criteria of §156.62 of this chapter for Toxicity Category III or IV; and
- (2) **The product is not intended for use on food crop sites and is labeled accordingly.**



40CFR152.15

No person may distribute or sell any pesticide product that is not registered under the Act.

(1) The product is considered a pesticide if it makes claims to that effect

(2) The product is considered a pesticide if it contains a substance that has no other commercial value (e.g. cytokinins, gibberellic acid)

(3) The person who distributes the product has knowledge that the substance will be used for a pesticide



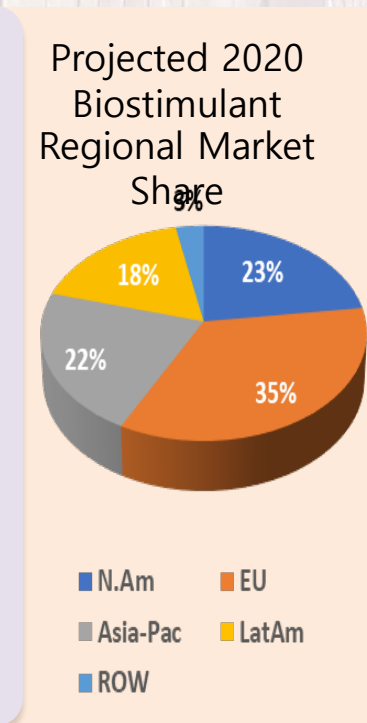
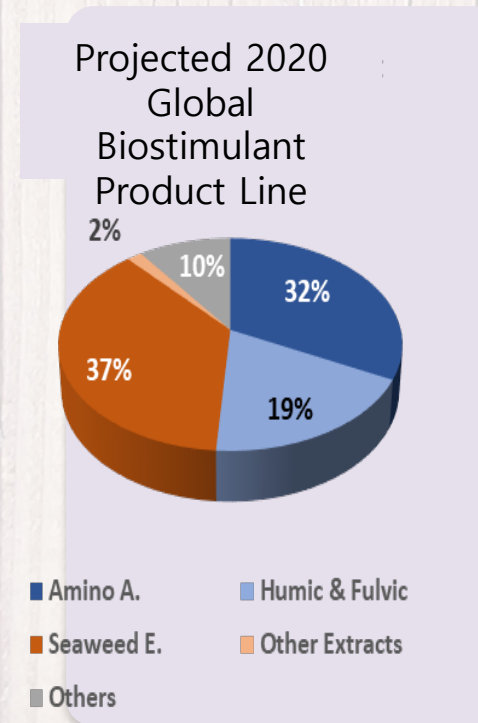
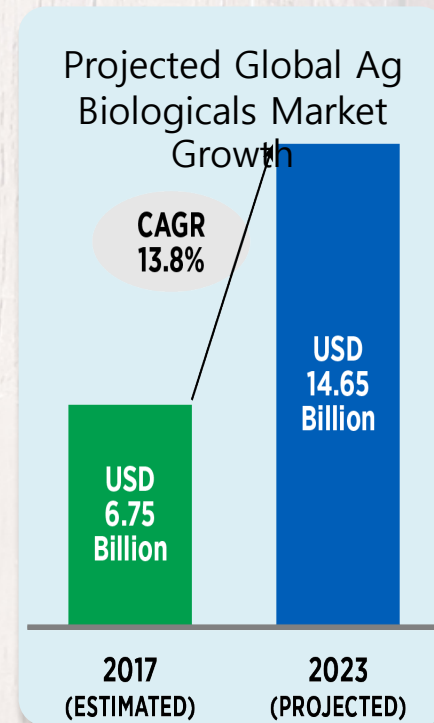
2018 Farm Bill

(c) Plant Biostimulant.--For the purposes of the report under subsection (a), the Secretary - (1) shall consider "plant biostimulant" to be a substance or micro-organism that, when applied to seeds, plants, or the rhizosphere, stimulates natural processes to enhance or benefit nutrient uptake, nutrient efficiency, tolerance to abiotic stress, **or crop quality and yield**;



Not just a “marketing term”

Biologicals market projected to be evenly split between biopesticides & biostimulants



Purpose of Proposed Guidance

- Identify examples of plant regulator claims on product labels
- Identify examples of non-plant regulator claims on product labels
- [Identify Plant Regulator Active Ingredients]
- Provide clarity to regulated community and to State/Federal regulators for product claims/ingredients that trigger FIFRA regulation
- **Note: The proposed guidance does not create any new regulatory definitions.**



2018 Farm Bill Sec. 9201.

Report on Regulation of Plant Biostimulants

Ag Secretary to submit report:

“... identifying potential regulatory and legislative reforms to ensure expeditious and appropriate review, approval, uniform national labeling, and availability of plant biostimulant products to agricultural producers.

Consultation with EPA, States, industry, and other stakeholders

May include development of a Plant Biostimulant Product Verification Program

Proposed definition for plant biostimulants

Nearly identical to proposed European Union definition

