



# COLORADO ENVIRONMENTAL PESTICIDE EDUCATION PROGRAM

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## BUYING AND SELLING PESTICIDES ONLINE

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This fact sheet outlines the rules and regulations for buying and/or selling pesticides online.

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## Buying and Selling Pesticides Online

### Who regulates Internet sales?

The [Environmental Protection Agency](http://www.epa.gov) (EPA) regulates the sale, distribution, and release of pesticides, pesticide products, and pesticide devices under the **Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA)** (see <http://www4.law.cornell.edu/uscode/7/ch6.html> to review the law in detail). Many states, including Colorado, as well as some federally recognized Indian tribes, also have their own pesticide laws that supplement FIFRA.



In general, under FIFRA, it is against the law to sell unregistered, misbranded, suspended, or canceled pesticides in the United States. This means that if you produce, sell, or offer for sale a pesticide product or device that is mislabeled, not registered, or no longer registered, you could be breaking the law and be subject to civil or criminal penalties, including fines. (A device is any instrument or contrivance, other than a firearm, which is intended for trapping, destroying, repelling, or mitigation of a pest, but NOT including the equipment used to apply pesticides, mechanical mouse traps, fly swatters, soil cultivators, or tillage equipment.)

### What is a pesticide?

Any material, whether naturally derived or not, that is sold or distributed with the intent to control or eliminate any pest (weeds, insects, microorganisms, etc.) is classified as a pesticide. (see Pesticide Fact Sheet [#101](#)). By their very nature, pesticides create some risk of harm to humans, animals, or the environment because they are designed to kill or otherwise adversely affect living organisms. Many household products are pesticides. The list below describes some common products that are pesticides.

- Cockroach sprays and baits
- Insect repellents for personal use
- Rat and other rodent poisons
- Flea and tick sprays, powders, and pet collars
- Kitchen, laundry, and bath disinfectants and sanitizers
- Products that kill mold and mildew

- Many lawn and garden products, such as weed killers, fungicides, and insecticides
- Some swimming pool chemicals, such as sanitizers and disinfectants

Both general use and restricted use pesticides (RUPs) (see Pesticide Fact Sheet [#103](#)) require registration with the EPA and the [Colorado Department of Agriculture](#) (CDA) prior to distribution or sale. Advertising products or materials that may be classified as pesticides or pesticidal devices is defined under Colorado law as offering the pesticide for distribution or sale. Certain pesticides have been exempted from EPA registration, but still require Colorado registration. Pesticidal devices and [“25\(b\) exempt” minimum risk pesticides](#) still require individual registration with the CDA even though they are exempted from some EPA registration requirements.

### **Who’s responsibility is it to ensure that laws and regulations are being followed?**

Generally, it is the seller’s responsibility to ensure that pesticides sold over the Internet are labeled according to federal standards and are registered by EPA and any state in which they are distributed before offering them for sale.

#### **The following important points should be considered:**

- **Federal and State Law:** EPA administers the FIFRA, and Colorado’s pesticide law further restricts pesticide commerce. BOTH levels of law must be followed.
- **Distribution:** Actual distribution of pesticides is regulated by both EPA and the CDA. Once a pesticide is registered in Colorado, that pesticide can be sold or distributed in Colorado.
- **Dealer Licensing:** Colorado requires that all pesticide dealers selling either Federal RUPs or State RUPs be licensed with the CDA. This includes any web site that advertises or offers for sale a RUP within Colorado, whether or not the site is physically located in Colorado. In addition, Colorado requires sellers to comply with the Colorado laws regulating the offer and sale of pesticides even if the sellers do not take actual, physical possession of the products offered for sale (such as through auction sites or electronic brokerage).
- **Colorado State Restricted Use Pesticides:** Any herbicide product that contains one or more of the following seven active ingredients is a Colorado Restricted Use Pesticide Product. Dealers that sell, distribute, or advertise these products must be registered with the state of Colorado. End users must be Certified Applicators (private or commercial).
  - Bromacil
  - Diuron
  - Monuron
  - Prometon
  - Sodium chlorate
  - Tebuthiuron
  - Sodium metaborate

- **Certified Applicators:** RUPs require sellers and/or buyers to be licensed or certified by the CDA. Users of pesticides being sold under a EPA emergency exemption ([Section 18](#)) must also be certified applicators and have a permit from the CDA. The CDA requires that sellers and/or buyers not physically located in the state, but conducting business in Colorado, must be licensed or certified as well. In Colorado, private applicators are licensed by the EPA Region 8, while commercial applicators are licensed by CDA (see Pesticide Fact Sheet [#402](#))
- **Records:** Colorado requires that transaction records be kept. Under federal and Colorado law, these records must be available for review by duly authorized inspectors at all times (see Pesticide Fact Sheet [#413](#))

### **References and Resources**

*E-Commerce Pesticides*. 2000. The National Agriculture Compliance Assistance Center, Kansas City, KS. <http://www.epa.gov/agriculture/tecom.html>.

*Index of Services*. 2002. Colorado Department of Agriculture, Division of Plant Industry, Lakewood, CO. <http://www.ag.state.co.us/dpi/indexofservices.html>.

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