United States Pesticide MRLs Market Information Report

Date Last Updated: August 2018

Pesticide MRL Regulation Status and Summary:

Deferral Policy: Maintains national MRL list.

Default MRL Policy: Does not apply a default MRL.

The United States regulates pesticide MRLs in the U.S. Code of Federal Regulations (CFR) Title 40, Part 180. Within U.S. regulations, MRLs are referred to as “tolerances.”

In addition to standard tolerances, the following other types of U.S. tolerances are included in the Global MRL Database:

- **U.S. Section 18 Tolerances:** The Environmental Protection Agency (EPA) may establish Section 18 tolerances to allow for the use of an unregistered pesticide for a limited time while an emergency condition exists. In the Global MRL Database report results, these are labelled “US Section 18.”

- **Regional Tolerances:** Regional tolerances are established for pesticide residues that result from the use of a pesticide within a registered geographical area of the U.S. These tolerances are supported by data from specific growing regions. In the Global MRL Database report results, these are labelled “US Regional.”

- **US “CFR Prescribed Use” Tolerances:** In the Global MRL Database, some U.S. tolerances are labelled “CFR Prescribed Use.” These are U.S. tolerances for which registered use and application information are prescribed in the U.S. Code of Federal Regulations (CFR) for pesticide tolerances (40 CFR 180), in addition to the residue level. These types of tolerances are typically established for uses such as food or feed handling and processing facility treatments; mosquito adulticide applications; preharvest treatment of pest burrows; area fly and mosquito control; and other special situations.

When use and application information is included in the U.S. pesticide tolerance regulations, the U.S. Food and Drug Administration (FDA) may assume that these tolerances apply only to those specific uses stated in U.S. 40 CFR 180. Thus, the FDA may not apply these tolerances except for the specific uses described in the U.S. regulations. U.S. producers and those exporting to the U.S. should use caution when interpreting the applicability of these tolerances to their products. For this reason,
these U.S. CFR prescribed use tolerances are by default excluded from the Global MRL Database report results.

In the Database Advanced Report Filters, users may select to include these tolerances in the report, and they will be specifically labelled “CFR Prescribed Use” in the report results.

U.S. 40 CFR 180 also regulates pesticides which are exempt from the requirement of a tolerance and pesticides for which neither a tolerance nor an exemption is necessary.

**Frequency of MRL Updates:**

The U.S. publishes MRL updates on a frequent basis, typically every week. Legislative updates can be found in the U.S. Federal Register.

**Government Agencies Responsible for Pesticide MRL Regulation:**

The U.S. Environmental Protection Agency (EPA) is responsible for establishing MRLs and regulating other matters related to the registration, sale, and use of pesticides.

**Government Agencies Responsible for MRL Monitoring and Enforcement:**

The Food Safety and Inspection Service (FSIS), under the U.S. Department of Agriculture (USDA), is responsible for testing and enforcing pesticide residues in meat, poultry, and some egg and fish products.

The U.S. Food and Drug Administration (FDA) is responsible for monitoring and enforcing pesticide residues in all other foods as well as animal feeds.

**Monitoring, Testing, and Enforcement Program:**

**FDA Program:**

The FDA’s regulatory pesticide residue monitoring program samples a broad range of domestic and imported commodities for residues of about 700 pesticides and industrial compounds. Domestic samples are typically collected close to the point of production, e.g., growers, packers, and distributors. Imported samples are collected when products are offered for entry into U.S. commerce.

This program is risk-based and prioritizes imports because they generally show higher violation rates. To determine which commodities to focus on, the FDA considers factors such as past problem areas, findings from state and federal monitoring, foreign pesticide usage data, the dietary significance of the food, the volume and product value of domestic and imported commodities, the origin of the food, and the chemical characteristics of the pesticides used.

The FDA may take action against commodities containing pesticide residues at a level above the EPA tolerance, or in cases where no tolerance or exemption exists. In some
situations where residues may be unavoidable despite good agricultural or manufacturing practices, e.g., due to contamination by a pesticide that persists in the environment, the FDA may establish an “action level,” defined as a recommended level that a contaminant should not exceed. However, action levels are not legally binding and the FDA may take enforcement action on a case-by-case basis regardless of whether a contaminant is below, at, or above the action level.

For domestic products, responses to violations may include a Warning Letter, as well as other sanctions such as removal from the market or an injunction to correct the cause of the violation. For imports, the shipment may be refused entry to the U.S. market and the responsible firm may be placed under an Import Alert, in which case “Detention Without Physical Examination,” or DWPE, may be invoked for future shipments. DWPE may be applied to products from specific growers, manufacturers, shippers, or entire geographic areas or countries if the problem is sufficiently broad-based. Firms under an Import Alert must demonstrate compliance for each lot exported to the U.S. before it will be released into the domestic market. The Import Alert may be removed once the firm has provided evidence that the conditions which gave rise to the violation have been resolved and the FDA is confident that future shipments will be compliant. A minimum of five consecutive demonstrably compliant shipments is necessary before the Import Alert will be revoked.

**FSIS Program:**

For meat, poultry, and certain egg and fish products, FSIS develops annual sampling plans for domestic and imported products which are based on previous findings of chemical residues as well as pesticides and contaminants of current importance to the EPA. All imported products are inspected at the port of entry and are subject to one of three sampling plans for chemical residue testing:

- **Normal sampling:** Random sampling from a lot.
- **Increased sampling:** Above-normal sampling resulting from an FSIS management decision.
- **Intensified sampling:** Additional samples taken after a previous sample has failed to meet U.S. requirements.

Domestic sampling is typically done at the time of slaughter and may be conducted as part of a random sampling plan or targeted in response to known risks.

For both imported and domestic products, FSIS applies a hold-and-test policy for livestock carcasses and will not release products to the market until acceptable test results are available. Due to historically low residue violations, this policy does not apply for poultry or fish carcasses.

When violations are identified, FSIS notifies the producer. The FDA and state-level agencies may then initiate an investigation, and if conditions leading to residue violations are not corrected, may enforce legal action. FSIS publishes a list of producers with more than one MRL violation in the previous 12-month period on its Residue Repeat Violators List.