



Pesticide Problems, Part 2: Legislative History of the 1972 Amendments

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Between a recent Supreme Court decision and controversial provisions in the unfinished Farm Bill considered in the House, normally obscure pesticide regulations have garnered an unusual amount of attention lately (*Monsanto Co. v. Durnell*, No. [No. 24–1068](#); *farmdoc daily*, [April 30, 2026](#)). This moment of heightened attention is also an opportunity to explore the unique design of pesticide policy, raising questions about that design that could inform future policy debates. Previously, we reviewed the origins of pesticides law and how its early development prioritized protecting the market for pesticides (*farmdoc daily*, [July 16, 2026](#)).

This article picks up where Part 1 ended, with an examination of FIFRA’s 1972 amendments, in which Congress rewrote the entire statute and put in place a policy that has largely remained unchanged in the following 54 years. Issues concerning the safety of pesticides began to appear post-World War II, as pesticide use and technology advanced rapidly, while contributing to a growing division between farmers and the non-farming public, between farmers and environmentalists, and between neighboring farmers. The legislative history raises important and challenging questions about the design of pesticide law—the “label is the law” structure—and whether it presents significant risk of providing a shield, allowing industry to escape accountability and redirect blame for harm caused by pesticides to the farmer or applicator. Concerns with the “label is the law” structure, moreover, may be magnified by the modern reality of pesticide labels, some of which can be dozens of pages full of complex restrictions that unreasonably and unnecessarily increase the difficulty applicators face in complying, and where a use can quickly become a misuse due to unpredictable weather, exposing the applicator to liability under FIFRA.

Background

Under (the original) 1947 FIFRA and, before that, the Insecticide Act of 1910, Congress charged USDA with carrying out the bulk of pesticide law. But in 1970, the beginning of the “decade of the environment,”

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President Richard M. Nixon established the Environmental Protection Agency (EPA) ([Reorganization Plan No. 3 of 1970](#)). And within his reorganization plan, President Nixon called on Congress to transfer all “[t]he functions of the Secretary of Agriculture and the Department of Agriculture under [FIFRA]” over to the EPA (Sec. 2(8)(i)). In 1972, Congress rewrote the FIFRA (P.L. [95-516](#)). This is a discussion of how that came about and what it produced.

Stepping back, WWII helped fuel a revolution in pesticides for farming. Dr. Christopher Bosso wrote that the pesticide boom at this time was “was no less revolutionary than the atom bomb, for the discoveries made in war were to transform the way Americans farmed, the abundance of their food, and the quality and price of what they bought” (Bosso, 1987, at 30). This paradigm was initially built on the “dramatic success” of dichlorodiphenyltrichloroethane (DDT) (Id., at 31). It helped produce the “Golden Age of Pesticides” during the 1950s as farms consolidated and adopted technology in the post-war economy, while chemical companies “aggressively promoted a wide array of new products to farmers eager for more effective and increasingly specialized technologies” (Id., at 64). After 1947 FIFRA, much of the work in Congress shifted to the appropriations committees for funding research and implementation, although the House did create a special committee to study concerns about pesticides in May 1950 known as the Delaney Committee for its chairman, Representative [James Delaney](#) (D-NY) (Id., at 65-78). That committee held hearings and issued reports but did not produce legislation.

The post-war pesticides paradigm began to break down in the late 1950s in the wake of USDA eradication campaigns for the gypsy moth and fire ants. The breakdown was accelerated by FDA’s seizure of millions of pounds of cranberries in 1957, due to high levels of pesticides on the harvested fruit. This controversy led to an amendment within the Federal Food, Drug, and Cosmetic Act (introduced by Representative Delaney) that strengthened FDA’s authority over pesticides in food. Congress passed the amendment despite objections from the agricultural sector in 1958 (Bosso, 1987, at 79-108). Dr. Bosso concluded that the “Delaney Amendment stood until the mid-1960s as the only pesticides-related statute to pass through Congress over the objections of the agricultural subsystem” (Id., at 98).

Significant credit has been given to Rachel Carson’s book *Silent Spring* in 1962 for raising public awareness and concerns about pesticide use (Hornstein, [1993](#)). As just one measure of its impact, her book appears to have been the inspiration for a book in response written by Representative [Jamie Whitten](#) (D-MS), published in 1966 and titled *That We May Live* (Whitten, 1966; see also, Williams, [2018](#)). Whitten, notably, was the long-serving chairman of the subcommittee of the House Appropriations Committee that funded and oversaw USDA, including for pesticides research, and was known as the “permanent Secretary of Agriculture” (Coppess and Smith, [2026](#); Summers, [2000](#)). His book is largely a promotion of pesticide use in farming and provides insights into his work on the appropriations committee to promote pesticide research and development, as well as the industry.

Congressional activity and conflict over pesticides increased in the mid-1960s, including efforts to ban DDT, as a rising environmental movement began to gain political power along with increasing criticism of USDA’s lack of enforcement and other actions regarding pesticides (Bosso, 1987, at 109-139). A comprehensive report on pesticides commissioned by the Department of Health, Education and Welfare in November 1969 led the Nixon Administration to announce a two-year phase-out of DDT that left residues on foods and “marked a watershed in federal regulation of pesticides” (Id., at 140). Arguably, the final major development on the road to the 1972 amendments were the environmental movement’s major environmental legislative achievements, as well as creation of the Environmental Protection Agency, in the early 1970s (Bosso, 1987, at 143-160; Coppess, [2024](#), at 137-143; *farmdoc daily*, [April 22, 2022](#)).

Discussion: Rewriting FIFRA

The push to rewrite FIFRA came from many directions, including the Nixon Administration which had created EPA and was still attempting to capture some of the political power of the environmental movement for the President’s re-election efforts. Work by the Council on Environmental Quality, as well

as EPA, was incorporated in President Nixon's Message to Congress on the Environment delivered on February 8, 1971. The Administration proposed legislation to Congress that would rewrite FIFRA, which kicked off the legislative process to rewrite pesticides regulation. The Administration's bill was introduced two days later by Representative [W.R. Poage](#) (D-TX), chairman of the House Agriculture Committee, and Representative [Page Belcher](#) (R-OK), ranking member of the House Agriculture Committee (H.R. 4152; see also, *H. Rept.* 92-511, at 12). The legislation was titled the Federal Environmental Pesticides Control Act (FEPCA), reflecting the potential for a different, more environmental, focus for pesticide policy.

Rather than the Administration's bill, the House Agriculture reported its own version of the legislation on September 25, 1971 (H.R. 10729; *H. Rept.* 92-511). The Committee explained that FIFRA was both "a registration and labeling law" and that the reported bill "would extend the regulation of pesticides to their manufacture and use, and Federal regulatory authorities would apply throughout the States, not just to the interstate commerce of pesticides" (at 12). The Senate Agriculture and Forestry Committee made similar claims when it reported its version of the bill on June 7, 1972 (*S. Rept.* 92-838). Both agriculture committees based their claims on provisions in the legislation that would classify pesticides as either general use or restricted use (or both). General use pesticides were those that EPA determined "will not cause substantial adverse effects on the environment when applied in accordance" with the label, while restricted use were those that presented a "hazard to the applicator or other persons" and "must be used only by or under the supervision of a certified pesticide applicator" (*H. Rept.* 92-511, at 21; *S. Rept.* 92-838, at 20-21). Congress added that it was unlawful to "use any registered pesticide in a manner inconsistent with its labeling" and these provisions carried through largely unchanged to the final version that was enacted into law (P.L. 95-516, at Section 12(a)(2)(G); *H. Rept.* 92-1540).

Both committees claimed that these changes, along with others to require registration of establishments producing pesticides and inspection, were the "key new authorities of the bill" and constituted "entry of Federal regulation into a significantly unregulated area" (*H. Rept.* 92-511, at 21; *S. Rept.* 92-838, at 21). But these claims raise questions about whether the changes were overstated or even misleading, a form of legislative sleight-of-hand. Was FIFRA still a regulatory system that worked through the labels after 1972? For general use pesticides, in particular, there was little change in the system. Restricted use pesticides had to be labeled as such and required supervision by a certified applicator but could still be applied. The primary unlawful act, therefore, was not following the label.

This is notable as Congress was informed that the labeling design was a problem by Nixon's EPA: Administrator William Ruckelshaus told the Senate Ag Committee, for example, that "it would be preferable to have definite control of particular uses, rather than the present authority to act solely through labeling . . . more selective control of ultimate use" and that the Administration's goal was "not to seek the elimination of pesticides but rather to provide such reasonable and efficient controls over their use that the benefit of pesticides will remain available to agriculture and for the control of disease vectors without any undue risk to man and his environment" (Senate Ag Subcommittee Hearing, at 290-91). Similarly, David Dominick, Assistant Administrator at EPA, informed the Senate Commerce Committee that "the labeling/registration requirement" was the "basic scheme for regulation" in the 1947 FIFRA, and that the "defect in the labeling approach to regulation is that it provides no direct authority to impose regulation on the use of a pesticide once the user buys it" but that the legislation would "make it an unlawful act to use a pesticide in a manner inconsistent with its labeling" (Commerce Committee Hearing, at 156-57). Another EPA official added, "labels were inadequate to prevent hazards in terms of the likelihood of the directions being followed" (*Id.*, at 166 (Charles Fabrikant, Special Assistant for Regulatory Affairs)). Revising the law to "make control over the use of the produce a very important part of the regulatory scheme" was also the priority of the industry (Senate Ag Subcommittee Hearing, at 416 (Parke Brinkley, President, National Agricultural Chemicals Association)).

A few witnesses also raised concerns with this design. Cynthia Wilson of the Audubon Society told the Senate Commerce Committee: "To a great extent, control of pesticide use will still depend largely on

labeling, which has proven to be an ineffective means of control. Labels are not very useful since many people do not bother to read them, or cannot understand them because they are contradictory or confusing” (Commerce Committee Hearing, at 124). Dr. Robert Van Den Bosch, University of California, Berkeley entomologist, noted that:

under the current registration and labeling process . . . the grower is the absolute victim and he has no chance for economic redress . . . we have these highly sophisticated chemicals and yet the system of advising on their use and dispensing them is in the hands of salesmen, not in the hands of professional practitioners . . . a corps of pesticide salesmen whose first loyalty is to the agricultural chemical industry, its products and its annual sales quotas. (Id., at 612-13).

Similarly, Dr. Charles T. Black with Michigan Department of Natural Resources, added that the labeling system dealt with problems only “by apparently more adequate labeling and warnings” when research was finding concerns “with the ability of the average reader, be he a farmer or even a Ph. D. or a senator, to fully appreciate, understand, the fine print” especially on smaller containers (Id., at 641).

The Senate Commerce Committee makes for an interesting footnote to this legislative history. More focused on the environmental concerns and perspectives, it presented a serious roadblock to the FIFRA rewrite. Dr. Bosso details the complicated and unusual legislative process in the Senate in which the bill reported by the Senate Ag Committee was re-referred to Commerce, which amended the legislation (Bosso, at 167-71; *S. Rept.* 92-970). The changes by Commerce were not acceptable to the Senate Ag Committee and it took the committees two months to work out a compromise (Bosso, at 171-72). The Commerce provisions ultimately did not prevail in conference and the final bill conformed more closely to the text reported by the House and Senate Ag Committees (Id., at 174-77).

Concluding Thoughts

To help fully grasp what it means to regulate pesticides through the label, let’s begin with a real-world example: dicamba. Three recent registrations for dicamba include labels that appear to contain more than 30 to 40 pages, with documentation stretching to between 51 and 65 pages (EPA Reg. No. [7969-507](#); [100-1753](#); [264-1241](#), see also [MN Dept. of Agric.](#)). The term “label” can almost be a misnomer for such documents; it is a bit confusing, if not misleading, to consider these as “labels” in anything resembling common usage of that word. The weather-based restrictions for dicamba are even more notable. EPA’s “strongest protections ever required” include a ban on application if the temperature is above 95 degrees and severe limitations if temperatures are between 85 and 95 degrees, as well as a requirement that wind speeds can only be between 3 mph and 10 mph, with spraying prohibited if rain is expected in the following 48 hours (EPA, [February 6, 2026](#)). Additionally, spraying is prohibited within 1 hour after sunrise or 2 hours before sunset. How realistic is this? How many days, or hours in the days during a growing season, are wind speeds between 3 and 10 mph, temperatures below 85 degrees, and no rain is expected for the next two days? What kind of window does that leave farmers to apply dicamba? This is the difficult reality of regulating pesticides through the label.

To be fair, this is an incredibly difficult and complex issue. The House Agriculture Committee acknowledged this in 1971, writing that the:

machinery for managing these complex compounds which are being introduced daily into the environment needs updating to properly balance all of the many factors . . . the wise use of pesticides has saved millions of lives . . . the efficiency of insect and weed control made possible by agricultural applications of pesticides . . . evidence of diminished effectiveness of control and increased undesirable effects on non-target and beneficial organisms. (*H. Rept.* 92-511, at 4).

Likewise, the Senate Ag Committee wrote that pesticides “are essential to man’s food supply both as to quality and quantity . . . are important in the preservation of natural beauty,” but also “affect the food man eats, the water he drinks, the air he breathes and the flora and fauna that surround him” (*S. Rept.* 92-838, at 3). The Senate Commerce Committee similarly noted that “Americans have become less willing to tolerate insects and other disease-carrying organisms” as the “country has grown and its standard of living increased,” and the “need for more food and freedom from disease has increased dramatically,” while also noting that “society has become increasingly sensitive to the abuses certain pesticides have inflicted upon man and the environment” (*S. Rept.* 92-970, at 9).

One question is whether the design of FIFRA is the best method for balancing the difficult issues and complexities of pesticides in modern society. Does a design that regulates pesticides through the label make sense, or does it put too much responsibility on the farmer or applicator and remove too much from the manufacturer who produces the pesticide and sells it for profit, most of which are massive, multi-national corporations? Has Congress struck the right balance with this public policy, or should it be reconsidered given our increasing understanding of and concerns about pesticides? The labeling design for pesticides regulation originated as a way to protect the market for pesticides, especially from low quality or adulterated products. It was considered ineffective for the environmental concerns that arose with increased usage and the expansion of the kinds, types, brands, and specialization of the products.

The 1972 rewrite of FIFRA, however, appears from the record to have been driven by concerns about the misuse of pesticides, which may have unbalanced the policy against the farmer and applicator rather than the pesticide producer or manufacturer. If so, it shifted blame and responsibility to those who purchased and used the products to address challenges on the farm, while reducing or eliminating responsibility for the companies that manufactured the products, marketed them as solutions to farmers, and profited from their sales. It may seem ironic that concerns about the environmental impacts of pesticides led to this result. But it wouldn’t be the first episode exposing failures and follies of public policy, and certainly not for environmental policies.

This imbalance appears to be the result of regulation through labeling design. A good faith consideration of this issue would take these questions and concerns as a starting place, critically analyzing whether the labeling system is the best design or whether alternative designs might better balance responsibility between farmers and manufacturers. Admittedly, such a deliberation seems unlikely in the current political environment, especially after the House Agriculture Committee recently attempted to add more liability protections for the industry but was defeated on the floor. Perhaps that experience opens eyes and minds to considering alternatives (see Donely, [July 7, 2026](#)).

Afterall, Bob Dylan famously sang that “You don’t need a weatherman/To know which way the wind blows” (Dylan, “[Subterranean Homesick Blues](#),” 1965). But a farmer does need to know how fast it is blowing, among other things, to use certain pesticides to combat weeds in a farm field. Maybe that alone should be reason enough to cause us to question this policy design.

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