PESTICIDE REGISTRATION (PR) NOTICE 2007-X

NOTICE TO MANUFACTURERS, PRODUCERS, FORMULATORS, AND REGISTRANTS OF PESTICIDE PRODUCTS

ATTENTION: Persons Responsible for Federal Registration and Reregistration of Pesticide Products

SUBJECT: Environmental Hazard General Labeling Statements on Outdoor Residential Use Products

This Notice presents the Agency's guidance on optional environmental hazard label language for certain non-restricted use pesticide products intended for outdoor residential use. EPA undertakes initiatives such as this in order to improve and clarify pesticide product labeling. The specific label statements recommended in this Notice are intended to improve existing labels by clarifying language on what the user should do to avoid environmental contamination. The Agency believes that voluntary adoption of these recommendations by pesticide registrants will help pesticide users to better understand how to use consumer products to minimize environmental hazards. Registrants who wish to use these statements should follow the instructions in this notice. No registrant is required to take any action in response to this notice.

I. PRODUCTS POTENTIALLY AFFECTED BY THIS NOTICE

This Notice is applicable only to outdoor residential use products. The specific product types affected by this Notice are liquid concentrates, broadcast granulars, dusts, and liquid ready-to-use products registered for outdoor residential uses. This Notice does not apply to agricultural products, outdoor aerosol products or outdoor products registered only for commercial use sites, such as golf courses. If you have questions on whether or not this Notice applies to your product, please contact the EPA Product Manager.

EPA prefers a label that is solely for residential use, but if there are other use sites, the residential directions and precautions should be clearly segregated on the label under a heading such as "For residential lawn use" or "For home and garden use" or a similar designation as appropriate. These revised environmental hazard statements may appear only in that section of the label.

II. BACKGROUND

The consumer use of pesticide products differs significantly from the use of pesticides in agricultural production. Many of the statements on labels of residential use products,

however, were originally developed for agricultural users or commercial applicators. These statements may be irrelevant or confusing to consumers. In an effort to make consumer labels easier to read and to follow, EPA, along with industry, undertook the Consumer Labeling Initiative (CLI) in March, 1996. The CLI was a multi-phased pilot project focusing on various types of consumer products, including indoor insecticides and outdoor pesticides.

Of the labels that the CLI focused on, outdoor pesticide labels were found to be the most confusing because they are more complex and less frequently used. The CLI also found that consumers want clear, concise, easy-to-read information that connects consequences with actions. As a result of the work of the CLI, the Agency issued several Pesticide Registration Notices providing for certain label improvements, such as recommending the use of common names rather than chemical names for active ingredients, and providing for emergency telephone contact information on labels.

In May 2004, the Pesticide Program Dialogue Committee (PPDC) recommended the formation of a work group to explore further improvements to consumer labeling, continuing activities undertaken in the CLI. The PPDC is chartered under the Federal Advisory Committee Act to advise EPA on pesticide issues. Its members represent a broad spectrum of interests, including the pesticide industry, grower groups, public health agencies, academic researchers, public interest and advocacy organizations. In response, EPA established the Consumer Pesticide Label Improvement Work Group under the auspices of the PPDC to provide advice and recommendations regarding improvement of label language on pesticide products intended for consumer use. The group was to focus on ways of improving consumer understanding of labels in a manner that would be easy to implement at minimal cost.

The group met from May 2005 to May 2006. The work group focused on basic environmental hazard statements for consumer products, which are primarily intended to prevent water contamination.

The PPDC Consumer Pesticide Label Improvement Work Group presented their recommendations to EPA after gaining support from the full PPDC in July 2006. The Agency assessed their recommendation, and agreed that the principles set forth in their recommendations would improve environmental hazard communication of outdoor residential labels. The Agency utilizes their communication principles, but modified PPDC suggested language based on considerations and judgments reached during the Agency's internal policy development process.

III. DISCUSSION OF ISSUES AND RECOMMENDATIONS

Currently, the environmental hazard statements on consumer outdoor products are similar or identical for all forms of the end-use product whether it is a concentrate for broadcast application, a ready to use granular for broadcast application, a liquid spray spot treatment product or a garden dust. However, product forms available to the consumer can vary considerably and the potential environmental risks associated with use of these products vary as well. Statements should be specific to the product form and succinctly

give instructions to avoid environmental, particularly water, contamination. Accordingly, the Agency is recommending slightly different environmental hazard statements for each of the following categories:

- Liquid Concentrate (e.g., liquids mixed with water by the user for a tank sprayer or hose-end attachment);
- Broadcast Granular (e.g., ready-to-use granular products which may be combined with fertilizers and broadcast applied with a drop or rotary spreader);
- Dusts (e.g., for garden or ornamental insect or fungus control products);
- Liquid Ready-to-Use (e.g., products for spot-treatment of weeds or insects).

A. Statements to be Replaced

The Agency agrees with the PPDC recommendation that a set of simplified environmental contamination statements be developed for each of these outdoor residential use product categories. The revised environmental hazard statements are intended to replace either of the following statements, whichever one appears on the pesticide label, typically found on products registered for an outdoor use. The first statement is found on many products intended for outdoor residential use. The second statement is found on virtually all products for outdoor agricultural use as well as most turf and lawn-care products.

> "Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate."
>
> "For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment washwater or rinsate."

B. New Statements

The Agency is recommending the following environmental hazard statements be used on products registered for outdoor residential use in lieu of those listed above. The revised statements will eliminate unfamiliar agricultural terms and/or hard to interpret language. The statements are specific to outdoor residential uses and should be easier for the user to understand compared to the current standard language.

Products in each formulation category should have the corresponding environmental hazard statement on the product label as follows:

Liquid Concentrate	To prevent contamination of the environment, do not apply near water, storm drains, gutters or ditches. Do not apply when rain is predicted for that day or when wind is strong enough to carry spray away from treatment area. Rinse applicator equipment over the lawn or garden area that was treated, and away from water, storm drains, gutters or ditches.
Broadcast Granular	To prevent contamination of the environment, do not apply near water, storm drains, gutters or ditches. Do not apply when rain is predicted for that day. Apply this product only to your lawn or garden, and sweep any product that lands on the driveway, sidewalk, or street, back onto the treated area of your lawn or garden.
Dust	To prevent contamination of the environment, do not apply near water, storm drains, gutters or ditches. Do not apply when rain is predicted for that day or when wind is strong enough to carry dust away from treatment area.
Liquid Ready-to-Use (RTU)	To prevent contamination of the environment, do not apply near water, storm drains, gutters or ditches. Do not apply when rain is predicted for that day or when wind is strong enough to carry spray away from treatment area.

These revised statements provide the basic use instructions for avoiding water and other environmental contamination. Other required environmental statements must be left on the label, such as wildlife hazard statements as toxicology data dictate (e.g., specific precautionary statements concerning bees, fish or aquatic organisms).

IV. **WHAT REGISTRANTS AND APPLICANTS SHOULD DO**

A. Adoption of Exact Language through Notification

Registrants who adopt the exact wording set forth in this notice should submit a notification (according to PR Notice 98-10) for each product. EPA may review the notification to ensure that the wording is identical to that contained in this notice. The registrant should submit one copy of the label (with changes clearly marked in a way that can be photocopied) along with a completed Application for Registration form (EPA Form 8570-1) which is available for downloading at

http://www.epa.gov/opprd001/forms/. The application form must bear the following statements:

"Notification of label change relative to PR Notice 2007-x. This notification is consistent with the guidance in PR Notice 2007-x and the requirements of EPA's regulations at 40 CFR 156.10, 40 CFR 156.80 and 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the guidance of PR Notice 2007-x and the requirements of 40 CFR 156.10, 40 CFR 156.80 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

B. Adoption of Altered Language through Amendment

Altered versions of the statements listed in Section III B may be appropriate for some outdoor residential products. For example, registrants with products that direct the user to water in a product immediately after application or products with approved label claims of being rain resistant within a given period of time, may wish to alter or remove the environmental hazard statement regarding rain. Any alterations of the complete statements listed in this Notice should be submitted by normal amendment procedure

V. EFFECTIVE DATES

Effective immediately, EPA will begin accepting notifications of revised product labels that meet the criteria set forth in this Notice. EPA will also begin accepting applications for new product labels bearing the environmental hazard statements as written in Section III of this Notice at that time.

VI. ADDRESSES TO USE

Registrants should send notifications and amendments to one of the following addresses:

U.S. Postal Service Deliveries

The following official mailing address should be used for all correspondence or data submissions sent to OPP by U.S. mail:
Document Processing Desk (AMEND) or (NOTIF) [as applicable] (Distribution Code as identified in PR Notice 2006-1)
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Ariel Rios Building1200 Pennsylvania Ave., NW
Washington, D.C. 20460-0001

Personal/Courier Service Deliveries

The following address should be used for all correspondence or data submissions that are hand-carried or sent by courier service Monday through Friday, from 8:00 AM to 4:30 PM, excluding Federal holidays:

Document Processing Desk (Distribution Code as identified in PR Notice 2006-1) (AMEND) or (NOTIF) [as applicable]
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency

Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, Virginia 22202-4501

VII. SCOPE OF POLICY

This PR Notice provides guidance to EPA and to pesticide registrants. Although EPA encourages registrants to adopt these revised environmental hazard statements for outdoor residential products, this notice is not binding on either EPA or pesticide registrants, and EPA may depart from this guidance in individual circumstances. Likewise, pesticide registrants may assert that the guidance is not appropriate for a specific pesticide or situation.

VIII. FOR FURTHER INFORMATION

If you wish to obtain further information on this notice, please contact the appropriate division ombudsman for your product. Division contacts, including ombudsmen, can be found by visiting http://www.epa.gov/pesticides/contacts/index.htm. At the release date of this Notice, the ombudsmen are:

Biopesticides and Pollution Prevention Division (BPPD):
Brian Steinwand steinwand.brian@epa.gov 703-305-7973

Registration Division (RD):
Linda Arrington arrington.linda@epa.gov 703-305-6249

Antimicrobials Division (AD):
Michael Hardy hardy.michael@epa.gov 703-308-6432

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