



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 20 1993

PR NOTICE 93-7

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

NOTICE TO MANUFACTURERS, FORMULATORS, PRODUCERS, AND
REGISTRANTS OF AGRICULTURAL PESTICIDES

Attention: Persons Responsible for Registration of Pesticide Products

Subject: **LABELING REVISIONS REQUIRED BY THE WORKER
PROTECTION STANDARD (WPS)**

The Worker Protection Standard (WPS) for agricultural pesticides, issued in August, 1992, (40 CFR part 156, subpart K, and 40 CFR part 170) requires labeling changes for many pesticide end-use products. This Notice will help you to determine which of your products - if any - are affected by these new requirements, and will direct you to appropriate detailed guidance for making the required label revisions.

I. **APPLICABILITY OF THIS NOTICE**

In general, the labeling requirements of the WPS and this notice apply to end-use products registered under section 3 or 24(c) of FIFRA and bearing labeling which permits use in the production of agricultural plants on farms or in forests, nurseries, or greenhouses. Because there are some exceptions to this general rule, this notice includes specific criteria which must be applied to each registered product to determine whether it falls within the scope of this notice.

This notice does not apply to manufacturing use products, or to unregistered pesticides used under an experimental use permit issued under FIFRA section 5 or under an exemption issued under FIFRA section 18.

PR Notice 83-2, announcing the Farmworker Safety Label Improvement Program, is superseded by this notice. You must, however, retain any labeling language required by PR Notice 83-2 until it is replaced by new labeling complying with the requirements of this Notice and 40 CFR part 156, subpart K.



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II. WHAT IS IN THIS PACKAGE

The Agency has reviewed its records to identify all registrations accepted for any crop, forestry, nursery or ornamental uses, and therefore potentially affected by the WPS labeling requirements.

If you hold no registrations accepted for any of these uses, EPA has sent you only this PR Notice, which contains the specific criteria to determine with certainty whether any of your products are within the scope of the WPS requirements.

If you hold one or more registrations accepted for crop, forestry, nursery, or ornamental use you are being sent, in addition to this PR Notice, the following supplemental materials:

- Supplement 1: "Listing of Potential WPS Registrations". This lists all your registrations under section 3 or section 24(c) of FIFRA which EPA believes to have been accepted for crop, forestry, nursery, or ornamental uses, and which are likely to fall within the scope of the WPS.
- Supplement 2: "Procedures for Responding to PR Notice". This explains in detail the special procedures established for your response to this notice, and how EPA will act on your responses.
- Supplement 3: "Main Labeling Guidance". This contains step-by-step directions for determining exactly what language you must add to or remove from your current labeling to bring it into compliance with WPS requirements.
- Supplement 3a: "Addendum to Main Labeling Guidance". This contains a master copy of the Product Worksheet which will help you determine the necessary WPS labeling changes, examples of labels that meet the WPS requirements, special guidance on restricted-entry intervals for certain pesticides, and a list of active ingredients providing information you will need to complete certain sections of the Product Worksheet.

III. REGISTRANT RESPONSIBILITIES

It is your responsibility as a registrant to ensure your own compliance with the requirements of the WPS, and that of any supplementally registered distributors of your products.

Currently registered products

This notice requires all registrants to apply the criteria in section IV below to each of their products currently registered under either section 3 or section 24(c) of FIFRA, to determine whether it falls within the scope of this notice. You will have to review each product's uses as defined in its labeling.

If any particular registration is NOT within the scope of the WPS requirements, no further action is required for that registration. If a registration IS within the scope of these requirements, you must apply for an amendment to your registration to bring its accepted labeling into compliance with the WPS requirements, consistent with the deadlines specified in the WPS itself and summarized below:

- ▶ On or after April 21, 1993, products may be distributed or sold bearing the new WPS labeling.
- ▶ After April 21, 1994, all products within the scope of this notice must bear the new WPS labeling when they are distributed or sold by the primary registrant or any supplementally registered distributor.
- ▶ After October 23, 1995, all products within the scope of this notice must bear the new WPS labeling when they are distributed or sold by any person.

BECAUSE OF THE LARGE NUMBER OF APPLICATIONS EXPECTED, AND BECAUSE THE WPS PROHIBITS YOUR SALE OR DISTRIBUTION OF ANY PESTICIDE PRODUCT WITHIN ITS SCOPE AFTER APRIL 21, 1994 WITHOUT APPROPRIATELY REVISED LABELING, THE AGENCY STRONGLY RECOMMENDS THAT YOU SUBMIT ALL APPLICATIONS FOR AMENDMENT IN RESPONSE TO THIS NOTICE AS EARLY AS POSSIBLE.

Pending Applications

Some currently pending registrations and new products first registered between now and April 21, 1994, will be subject to the WPS labeling requirements.

You should evaluate any of your products for which an application is pending against the WPS scope criteria in section IV, and if any are within the scope of this Notice, you should submit revised proposed labeling consistent with the WPS as early as possible. This may permit the Agency to complete review of the application before the April 21, 1994, compliance date.

A delay in your submission of revised proposed labeling is likely to delay Agency approval of your application.

If you contemplate submitting an application for a new registration within the scope of the WPS, you should submit proposed labeling in compliance with the WPS requirements. As the April 21, 1994, compliance date approaches the Agency may refuse to accept for review applications which do not include proposed labeling consistent with the WPS.

Detailed instructions for bringing your labeling into compliance with the WPS are provided in the supplements to this notice. If you did not receive the supplements, and believe that one or more of your registrations is within the scope of this notice, please call the toll-free WPS Label Information Line at 1-800-777-2185 for assistance.

IV. SCOPE CRITERIA: DETERMINING APPLICABILITY TO INDIVIDUAL PRODUCTS

To determine which of your registrations fall within the scope of this notice, answer the questions below for each of them. Answer these questions for all your registrations, whether they were issued under section 3 or 24(c) of FIFRA, and whether or not they are included in the "Listing of Potential WPS Registrations" in Supplement 1.

Note that some products outside the scope of this notice are still within the scope of the WPS (40 CFR part 156, subpart K, and 40 CFR part 170.) While no action with respect to such products is required at this time, EPA may issue future PR Notices that will apply to them.

Begin here for each registration:

- A. Does the labeling contain directions for application to
- ▶ Plants grown to produce food, feed, or fiber?
 - ▶ Turfgrass?
 - ▶ Ornamental plants, trees, or shrubs?
 - ▶ Plants grown to produce seedlings or transplants?
 - ▶ Plants grown to produce cut flowers or cut ferns?
 - ▶ Trees grown to produce timber?
 - ▶ Areas where any such plants are growing?

- ▶ Areas where such plants will soon be grown (i.e., pre-plant or at-plant application)?
- ▶ Areas from which such plants have just been harvested?

If you answered "YES" to any of these questions, this product may be within the scope of this notice. Go on to question B.

If you answered "NO" to all of these questions, this product is NOT within the scope of this notice. Begin again with question A for your next product.

- B. Does the labeling explicitly limit application ONLY to plants intended for aesthetic purposes or climate modification and growing in interior plantscapes, ornamental gardens or parks, or on golf courses or lawns and grounds?

If you answered "YES", this product is NOT within the scope of this notice. Begin again with question A for your next product.

If you answered "NO", this product may be within the scope of this notice. Go on to question C.

- C. Does the labeling explicitly limit uses ONLY to those NOT directly related to the production of food, feed, fiber, timber, turfgrass, or ornamentals, such as the following:

- ▶ Use on pasture or rangeland;
- ▶ Use on rights-of-way or other non-crop areas;
- ▶ Use for structural pest control; or
- ▶ Use for mosquito abatement, Mediterranean fruit fly eradication, or in other wide-area government-sponsored pest control programs?

If you answered "YES" to this question, this product is NOT within the scope of this notice. Begin again with question A for your next product.

If you answered "NO" to this question, this product may be within the scope of this notice. Go on to question D.

- D. Does the labeling contain directions only for one or more of the following:

- ▶ Control of vertebrate pests;
- ▶ Use as an attractant in traps;

- ▶ Use on the portions of agricultural plants that have been harvested, including harvested timber; or
- ▶ Application using a point-source pheromone dispenser of a size easily retrieved from the field, such as a "twist-tie"?

If you answered "YES" to this question, this product is NOT within the scope of this notice. Begin again with question A for your next product.

If you answered "NO" to this question, this product may be within the scope of this notice. Go on to question E.

E. Is the product labeled **PRIMARILY** for use in production of plants in homes, home flower or vegetable gardens, home lawns, or home greenhouses? Answer "yes" to this question only if the current labeling meets **ALL** the following tests:

1. The labeling indicates that the product is intended for use in or around the home, home flower or vegetable garden, home lawn, or home greenhouse; **AND**
2. The labeling does **NOT** include any of the following directions or phrases:
 - ▶ Skull and crossbones symbol and word "Poison";
 - ▶ A requirement for users to wear a respirator;
 - ▶ A requirement for users to wear chemical-resistant, waterproof, or liquid-proof suits or coveralls or "rainsuits";
 - ▶ The phrase "for professional use";
 - ▶ The phrase "for commercial use";
 - ▶ Directions for use on farms, sod farms, forests, nurseries, or greenhouses except home greenhouses;
 - ▶ Directions for use including the word "crops" or the phrases "for crop production" or "for sod production";
 - ▶ Application rates expressed per acre;
 - ▶ Dilution rates expressed per hundred gallons;
 - ▶ Directions for application by aerial, ground-boom, airblast, or other motor-driven vehicles or equipment;
 - ▶ Directions for use of a surfactant, buffer, or adjuvant;
 - ▶ Directions for tankmixing with fertilizer or with other pesticides;
 - ▶ Any reference to chemigation;

- ▶ Directions for mechanical agitation;
- ▶ Instructions or restrictions concerning livestock grazing; AND