

September 7, 2001

**PESTICIDE REGISTRATION (PR) NOTICE 2001-6**

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

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

**SUBJECT: Disposal Instructions on Non-Antimicrobial Residential/Household  
Use Pesticide Product Labels**

This notice provides revised guidance for the development of disposal instructions for non-antimicrobial, residential/household use pesticide product labels. EPA is now providing instructions that direct consumers to call their local authorities for specific disposal instructions in order to provide state and local governments greater latitude in carrying out their responsibilities for product disposal and waste management programs.

This notice is directed to registrants of non-antimicrobial, residential/household use products. Registrants using the revised disposal statements provided in this notice may add the disposal statements to their labels by notification. The Agency will begin to use this guidance upon the effective date of this PR Notice, and expects that registrants of existing products will begin to revise their labels accordingly. It is the Agency's goal that all affected product labels have disposal statements according to this guidance by October 1, 2003. The statements in this notice are not intended for non-residential/non-household use (e.g., agricultural, commercial, or industrial use) pesticide products where users generally have access to established recycling and/or disposal procedures and programs.

**I. BACKGROUND**

**A. Prior Guidance Concerning Pesticide and Container Disposal Instructions on  
Pesticide Labels**

In 1980, EPA excluded household wastes from regulation as hazardous waste "because the legislative history of the Resource Conservation and Recovery Act (RCRA) indicated an

intent to exclude such wastes, though *not* because they necessarily pose no hazard.” (49 FR 44978, Nov 13, 1984) In 1983, the Agency required certain products to bear additional statements such as, “Do not reuse bag. Discard bag in trash.” (PR Notice 83-3). Subsequently, the Office of Pesticide Programs directed that labels on products intended for residential or household-use-only contain the following, or a similar, disposal instruction: "Securely wrap original container in several layers of newspaper and discard in trash." (PR Notice 84-1) These instructions were developed to provide registrants with language for the disposal of household use pesticide products when the EPA excluded household waste, including household hazardous waste, from federal regulation as hazardous waste.

## **B. Findings of the Consumer Labeling Initiative**

In 1996, EPA began an effort known as the Consumer Labeling Initiative (CLI) to improve the readability and consistency of pesticide product labels. One of the CLI’s goals was to improve consumer understanding of safer use, environmental, and health information on house-hold consumer product labels, including indoor insecticides, outdoor pesticides, and household hard surface cleaners. To achieve this goal, the CLI conducted consumer research, with its project Partners, to identify how to provide consumers with clear information on product labels.

During Phase I of the CLI research, the Agency discovered that states and localities often direct the disposal of residential/household use pesticides to their local household hazardous waste (HHW) management facilities or programs rather than to landfills. This fact was verified repeatedly in the many comments EPA received in response to its June 14, 2000, draft of this notice. Research done by EPA, as well as information provided by commenters, showed that, in many states, HHW management programs are based on state law that directs liquids of any kind, as well as HHW, away from landfills. Municipal codes, local practices and educational programs, in addition to state law, have been developed to tell consumers what to do with these materials.

## **C. Reason for this Notice**

The differences between existing label disposal instructions and local disposal guidance may, understandably, confuse consumers, complicate local educational efforts, and interfere with state and local responsibilities. Prior to this notice, disposal instructions did not promote EPA’s pollution prevention and waste management goals of source reduction, reuse, and recycling. While HHW and other household waste have been excluded from federal regulation as hazardous waste by EPA for many years, EPA’s Office of Solid Waste and EPA’s Office of Water have consistently recommended that consumers who generate HHW dispose of it through local HHW programs and not in the regular trash. The most frequent advice directs consumers to call their local authorities. In addition, many EPA offices have created programs encouraging the reuse and recycling of products, as well as buying only the amount of product needed.

In the early 1980's, when EPA wrote its exclusion for household waste and when PR Notice 83-3 was written, reuse and recycling programs were scarce for both agricultural and consumer products, and HHW programs were even less well established. In 1983, few states had landfill restrictions and only 30 local HHW programs existed around the country. However, in the almost 20 years since RCRA regulations, EPA's household waste exclusion, and PR Notices 83-3 and 84-1 were written, the disposal environment has significantly changed. States have passed laws limiting the types of waste that can be put in their landfills, sometimes excluding all liquids and hazardous waste, regardless of source. Programs for the collection of agricultural pesticides and their containers can be found nationwide. In addition, states and municipalities across the country have created over 4,000 HHW collection events and facilities for HHW, and that number continues to grow. Supporting use of local collection events by revising residential/household use pesticide product labeling has the potential to reduce inadvertent exposure of consumers and sanitation workers, and accidental releases to the environment resulting from these products.

## **II. REVISED DISPOSAL INSTRUCTIONS FOR NON-ANTIMICROBIAL, RESIDENTIAL/HOUSEHOLD USE PESTICIDE PRODUCTS**

### **A. Scope**

In this notice, EPA is presenting disposal instructions for *empty* and *partly filled* non-antimicrobial, residential/household use pesticide products.

### **B. Applicability**

For purposes of this notice, the Agency considers a non-antimicrobial pesticide product to be a residential/household use pesticide product, regardless of the size of the container, if either of the following criteria are met:

- 1) the intended end use of the product is in or around a household or residence by a resident; or,
- 2) the product is regularly available to household consumers for purchase, and of a size and type practicable for household use, regardless of whether it is also marketed for agricultural use.

Previously, such products were partially defined in PR Notice 84-1 as those marketed in containers of 1 gallon or less for liquids and 5 pounds or less for dry material (except for lawn fertilizer-herbicide products that could weigh up to 25 pounds). It is common for some products, such as fertilizer/herbicide combinations intended for residential/household use, to be packaged in larger sizes (economy size/bonus packs, etc.). However, the limits described by PRN 84-1 are no longer representative of the residential/household market, and no longer apply with respect to defining residential/household use products subject to this notice.

## **C. Disposal Instructions**

### **1. Products in Pressurized Containers**

Do Not Puncture or Incinerate!

**If empty:** Place in trash or offer for recycling if available.

**If partly filled:** Call your local solid waste agency or [toll free number which meets the criteria in paragraph II.E.] for disposal instructions.

### **2. Products in Non-Pressurized Containers**

This would include all other types of product forms (including, but not limited to liquids; solids--tablets, dusts; gels; pet products; etc.) in all other types of product containers (including, but not limited to bags, boxes, bottles, cans, bait stations, squeeze tubes, etc.)

**If empty:** Do not reuse this container. Place in trash or offer for recycling if available.

**If partly filled:** Call your local solid waste agency or [toll free number which meets the criteria in paragraph II.E.] for disposal instructions. Never place unused product down any indoor or outdoor drain.

## **D. Antimicrobial Products**

EPA may in the future issue guidance for residential/household use antimicrobial products. Until that happens, antimicrobial products may use the new recommended statements or continue to use the old statements.

## **E. Toll-Free Phone Number**

The authorities that manage household waste programs are designated in many different ways and usually operate only during normal business hours. A toll-free number, alone or with a web site address, can help consumers locate their local authorities conveniently, or immediately obtain the appropriate disposal instructions for their area. The Agency's intent is that consumers have easy access to locally accurate disposal information, when they need it. EPA considers several toll-free information numbers, including 1-800-CLEANUP which is managed as a public-private partnership, and the toll free numbers some individual companies often provide on their labels, to be likely to meet these criteria. EPA does not expect registrants to create a new toll-free number to meet this need, but to use any of the numbers that already exist, as long as they meet the criteria listed below.

The criteria are that the number:

- (1) provide 18-24 hour service to callers;
- (2) be cost free to the caller;

- (3) be nationally viable; i.e., have the same phone number available in all states;
- (4) provide disposal instructions that reflect the advice of the local solid waste authority for the caller's location, or provide a direct phone number for the caller's appropriate local or state authority, or both; and,
- (5) be reasonably assured of reliable, long-term funding to ensure the number's continued existence at an operating level sufficient to meet caller demand.

If you need assistance in determining what toll-free number to use, please contact the person listed in Section VIII of this notice.

#### **F. Providing a Rationale for Proper Disposal**

Registrants may want to consider providing a reason why consumers should call their local authorities for disposal instructions. For example, "Your local government may forbid liquids and pesticides in their landfills," or "Many local governments collect these products." Research has shown that consumers tend to follow directions more readily when they understand why they are being told to do something. If a reason is included, EPA's preference is for the statement to be placed after the disposal heading and before the actual disposal instructions.

#### **G. Recycling Statements**

If registrants wish to use a different recycling statement than the one provided in this notice, they should refer to the guidance on the Federal Trade Commission (FTC) web site. Registrants can locate the FTC web site at "[www.ftc.gov](http://www.ftc.gov)"; then select 1) "Consumer Protection"; 2) "Environment"; 3) "Guides"; and, 4) "Guides for the Use of Environmental Marketing Claims (Green Guides)." These Guides contain FTC guidance for developing appropriate recycling statements on various types of products and containers. Registrants are reminded that using a different recycling statement will require the submission of an amendment.

### **III. WHAT CHANGES ARE BEING MADE TO THE CURRENT DISPOSAL STATEMENTS**

#### **A. Addition of Phrase "Call your Local Solid Waste Agency"**

The phrase "call your local solid waste agency" is intended to direct consumers to contact their local government agency responsible for waste management in order to receive instructions on how to properly dispose of the product in their area. It provides municipalities with the opportunity to remove products from the solid waste stream by obtaining them for reuse or recycling and to reduce the potential for accidental exposures to sanitation workers, materials recovery facility workers, landfill workers, and the environment.

## **B. Removal of Phrase “Wrap in Paper”**

Consumers were previously instructed to securely wrap containers in paper to reduce potential exposures to sanitation workers. However, wrapping containers prior to disposal in the trash does not appear to provide reliable protection to sanitation workers and may result in accidental or unknown exposures. Consequently, we expect this instruction to be deleted from the disposal statements.

## **C. Deletion of Rinse Instructions**

Specific instructions to consumers to rinse their empty containers have been left out of these revised instructions. Experience has shown that many consumers are confused by rinsing procedures and often incorrectly dispose of the rinse water down the drain or down sewers. States have reported some detections of pesticides in drinking water that appear, in some cases, to be linked to disposal or rinsing in residential waste water systems. In addition, storage of rinsate is highly discouraged because of the absence of adequate labeling or packaging. There is also the potential risk of adverse chemical reactions occurring when products are poured down drains, singly, or in combination with other products.

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

EPA generally expects registrants and applicants for registration to use the standard label statements in Section II of this PR notice. It is the registrant’s responsibility to ensure that each product label bears EPA-approved text in its disposal instructions. If a registrant believes that an alternate text is more appropriate, the company should submit an amendment to the Agency with the proposed text. If the amendment is approved, the company may then use the alternate text.

In order for registrants to remain in compliance with FIFRA and its implementing regulations, registrants and supplemental distributors must ensure their products, labeling, and packaging distributed in association with the sale or distribution of the pesticide product comply with FIFRA Sections 12(a)(1)(e) and 40 CFR 156.10(i)(1)(ix). Registrants are reminded that they are responsible for informing their supplemental distributors when they change their labeling, and for monitoring the labeling of their supplemental distributors to assure that they make the necessary changes.

As of the effective date of this notice, EPA will review all applications for new pesticide product registrations, amendments to registered products, and reregistration of registered products using this guidance. As of **October 1, 2003**, the Agency will monitor registered products using this guidance to determine whether their labeling is consistent with 40 CFR 156.10(a)(5), 40 CFR 156.10(b)(2) and FIFRA. Residential/Household use pesticide products, with the exception of antimicrobial products, which are released for shipment by registrants on or after that date and which have inappropriate disposal statements may be considered in violation of FIFRA.

To give sufficient time for pesticide products in the channels of trade to be distributed or sold to users or otherwise disposed of, the Agency is providing a period of time for companies to make changes to their labeling, if necessary. Therefore, pesticide products released for shipment prior to **October 1, 2003** will be considered existing stocks in the channels of trade which may be sold, used or otherwise disposed of until exhausted.

Registrants who wish to modify their product labels to ensure compliance with FIFRA should submit revised labeling through the applicable steps described below:

#### **A. To Revise Disposal Instructions According to this Guidance**

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 assure 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). A photocopy of the EPA application form is acceptable. The application form must bear the following statements:

"Notification of label change relative to PR Notice 2001-6. This notification is consistent with the guidance in PR Notice 2001-6 and the requirements of EPA's regulations at 40 CFR 156.10 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 2001-6 and the requirements of 40 CFR 156.10 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. To Propose Alternate Disposal Instructions**

Registrants and applicants may propose alternatives to the specific disposal language described in this notice. To do so, the registrant should submit an amendment consisting of a completed Application for Registration form (EPA Form 8570-1) and three (3) copies of the revised labeling. EPA will review the amendment application and determine whether the proposed instructions are acceptable.

### **V. ADDRESSES**

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 mail:

Document Processing Desk (AMEND) or (NOTIF) [as applicable]  
Office of Pesticide Programs (7504-C)  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460-0001

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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 (AMEND) or (NOTIF) [as applicable]  
Office of Pesticide Programs (7504-C)  
U.S. Environmental Protection Agency  
Room 266A, Crystal Mall 2  
1921 Jefferson Davis Highway  
Arlington, Virginia 22202

## **VI. EFFECT ON PREVIOUSLY ISSUED PR NOTICES**

Several previously issued PR notices contain disposal statements for residential pesticides, recycling statements with disposal statements, or, like PR Notice 98-10 make references to earlier disposal statements for other reasons. For non-antimicrobial, residential/household use products, the statements in this notice should supersede any use or reference to the older disposal statements in previously published PR notices. For example:

- PR Notice 83-3, disposal instructions for household products shown in paragraph B.3. and the container disposal instructions for household products shown in paragraph C.1. are superseded.
- The disposal statements in PR Notice 84-1 are superseded entirely for non-antimicrobial products.

## **VII. SCOPE OF POLICY**

This PR Notice describes the Agency's approach to implementing the requirements set forth in Agency regulations and FIFRA, and provides general guidance to EPA and to affected parties as well. While the requirements in FIFRA and Agency regulations are binding on EPA and applicants, this notice is intended to provide guidance to EPA personnel, pesticide registrants



and applicants, and the public. As a guidance document, this policy is not binding on either EPA or any outside parties, and the EPA may depart from the guidance where circumstances warrant and without prior notice. Registrants and applicants may propose alternatives to the approach described in this notice, and the Agency will assess them for appropriateness on a case-by-case basis and will respond in writing, if requested. If a product does not meet the requirements of 40 CFR Part 156 and section 2(q) of FIFRA, the Agency may find the product to be misbranded and may take appropriate enforcement and/or regulatory action. As stated above, the Agency believes that the guidance described in this notice should enhance the proper disposal of pesticide products and reduce potential risks to human health and the environment.

#### **VIII. FOR FURTHER INFORMATION**

If you wish further information on this notice, you may contact Amy Breedlove, Field and External Affairs Division, Policy and Regulatory Services Branch, at 703-308-9069, or by e-mail to [breedlove.amy@epa.gov](mailto:breedlove.amy@epa.gov).

*Signed by Marcia Mulkey*

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Marcia E. Mulkey, Director  
Office of Pesticide Programs