



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

OFFICE OF
PESTICIDES AND TOXIC
SUBSTANCES

October 9, 1992

PR NOTICE 92-4

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

ATTENTION: Persons Responsible for Registration of Pesticides

SUBJECT: Material Safety Data Sheets as Pesticide Labeling

This Notice describes EPA's interpretation that a Material Safety Data Sheet (MSDS) may accompany a pesticide or device without approval from EPA as long as it does not conflict with approved pesticide labeling. This policy is effective immediately.

I. BACKGROUND AND RATIONALE

FIFRA Section 2(p)(2)(A) defines labeling as "all labels and all other written, printed, or graphic matter accompanying the pesticide or device at any time." Therefore, an MSDS which accompanies a pesticide product is labeling.

However, EPA does not intend to review MSDSs as labeling at this time. Instead, EPA will permit MSDS sheets to accompany a pesticide product under the provisions of 40 CFR 152.46(b)(3). That section permits registrants to change a product's labeling or packaging, including additions or changes required by other Federal statutes or regulations, without notification to or approval by the Agency, provided such labeling is consistent with the 40 CFR part 156 labeling requirements.

MSDSs, which are required by the Occupational Safety and Health Administration, provide health and safety information to persons in an occupational setting. However, it is possible that information on an MSDS could conflict with a pesticide label (e.g., personal protective equipment recommendations or first aid directions). Therefore, the registrant should assure that the MSDS and the approved pesticide labeling are not in conflict. EPA may find such a conflict to be a misbranding violation under FIFRA section 12(a)(1)(E) as defined in FIFRA section 2(q).

II. POLICY

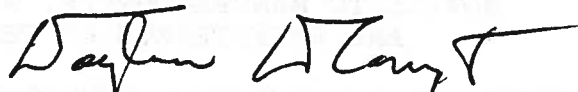
An MSDS may accompany a pesticide or device as long as it does not conflict with approved pesticide labeling. MSDSSs may be attached to or shipped with pesticide containers so long as they do not obscure or conflict with the pesticide labeling.

III. EFFECTIVE DATE

This policy is effective immediately.

IV. FURTHER INFORMATION

If you have questions regarding this policy you may contact Jeff Kempter, Registration Division (703-305-5448).



Douglas D. Camp, Director
Office of Pesticide Programs