

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 156**

[OPP-250111; FRL-4988-5]

Worker Protection Standard; Labeling Revisions Required for Pesticide Products within the Scope of the Worker Protection Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy Statement.

SUMMARY: EPA is issuing a final policy statement on labeling revisions required by the Worker Protection Standard (WPS) for sale or distribution of certain agricultural pesticides after October 23, 1995. This policy addresses pesticide products that are within the scope of the WPS, do not bear full WPS labeling, and are being sold or distributed by any person, other than the registrant. Certain statements are required to be placed on the labeling of all pesticide products within the scope of the WPS. These statements reference the WPS and certain practices intended to reduce or eliminate human exposure to pesticides. In most instances, these statements were required to appear on all WPS products by April 21, 1994. Wholesalers and dealers may have stocks of product that do not have WPS complying labeling. This policy presents options for the registrant to relabel the product or authorize the person(s) holding the product for distribution or sale to relabel the product. This policy statement does not apply to growers, custom applicators, or other persons holding product for their own use, unless they also distribute and sell pesticides or are registrants.

EFFECTIVE DATE: This policy became effective on September 28, 1995. The contents of this statement were issued on September 28, 1995, as Pesticide Regulation (PR) Notice 95-5.

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SUPPLEMENTARY INFORMATION: The Agency is issuing a final policy statement that allows registrants or their authorized representatives that sell or distribute pesticides to relabel non-complying pesticide products in their possession. The policy provides

examples of mechanisms to bring labels into compliance with WPS requirements, so that such products may be legally sold and distributed after October 23, 1995. The required actions for registrants, wholesalers, and retailers to relabel products are discussed to aid compliance with the policy. All products within the scope of WPS must bear final, printed WPS replacement labeling after October 23, 1996. Except for products that have been canceled, products accompanied only by generic supplemental labeling, as outlined in PR Notice 93-11, are not considered labeled in compliance with the WPS provisions after October 23, 1995.

I. Summary of the Policy

EPA will permit registrants or their authorized representatives to relabel non-complying stocks of products that do not bear full WPS labeling. Under this policy, the registrant has the option to either relabel the product or provide written authorization to the person(s) holding the product for distribution or sale to relabel the product. Both the registrant and the person(s) holding such pesticides are responsible for relabeling these products in accordance with the WPS and this policy statement. This policy statement does not apply to growers, custom applicators, or other persons holding products for their own use, unless they also distribute and sell pesticides or are registrants.

Using the decision diagram presented in this policy statement, registrants may determine if they hold non-complying products that require amended labeling. If a product requires amended labeling, the registrant may conduct or provide written authorization for wholesalers or retailers to do relabeling, and provide product-specific WPS labeling. Options for amended labeling include: a final printed WPS-complying replacement label and supplemental product-specific labeling. Supplemental labeling must be provided to the end-user whenever the product is offered for sale and a "STOP sticker" is affixed to the existing label. Pesticide-specific relabeling may occur at any site without registration of the site as a pesticide-producing establishment. Under the provisions of this policy, relabeling of stocks of products with non-complying labels may be carried out by person(s) acting under the authority of the registrant as an "authorized agent" of the registrant. The policy also addresses how to revise labels of orphaned and deleted use products, products that have been transferred, and dormant products.

II. Background

The 1992 WPS requires that certain statements be placed on the labeling of all pesticide products within the scope of the standard. These statements reference the WPS and certain practices intended to reduce or eliminate human exposure to pesticides. The WPS also established a schedule for meeting these labeling requirements. The schedule required that, by April 21, 1994, all registrants of pesticides covered by the WPS had to amend product labeling in accordance with PR Notice 93-7 and 93-11. Most products sold or distributed by registrants since April 21, 1994, should have WPS-complying labeling. In some instances, wholesalers and retailers may have stocks of products that do not have WPS complying labeling. These stocks could have originated from these sources: (1) Products shipped by registrants before the April 21, 1994 date; (2) products distributed or sold by registrants under the "released for shipment" option allowed under PR Notice 93-11; or, (3) "deleted use" products, for which the registrant has amended the registration to delete certain uses and these deletions place the product outside the scope of the WPS. After April 21, 1994, under the "release for shipment" option, registrants could sell or distribute products without the WPS label if the registrant agreed to either recall and relabel, or relabel products at wholesaler sites through an "authorized agent" by April 1996.

The WPS provides that any person other than a registrant (e.g., pesticide retailers or wholesalers) who has under their ownership, custody or control existing stock of product that is within the scope of the WPS, but does not bear WPS labeling, may *not* legally sell or distribute the product after October 23, 1995. The primary purpose of this policy statement is to describe the process for relabeling to bring products into compliance.

III. Definitions

The following definitions apply for the purposes of this policy statement:

Distribute or sell means to distribute, sell, offer for sale, hold for distribution, hold for sale, hold for shipment, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. The term does not include the holding or application of registered pesticides or use dilutions thereof by any applicator who provides a service of controlling pests without delivering any unapplied pesticide to any person so served.

Label means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.

Labeling means all labels and all other written, printed, or graphic matter (a) accompanying the pesticide or device; or (b) to which reference is made on the label or in literature accompanying the pesticide or device.

Registrant means any person who has registered any pesticide pursuant to the provisions in FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act).

Retailer means any person, other than a registrant, who distributes or sells pesticides to end-users.

Wholesaler means any person, other than a registrant, who distributes or sells pesticides to persons other than end-users.

IV. Policy Provisions

A. Recognition of Product Labels Requiring Amendment to Comply With WPS

If a product has labeling required under the WPS, the labeling will have an Agricultural Use Requirements box

and can be sold or distributed after October 23, 1995, without further action. Products accompanied only by generic supplemental labeling as outlined in PR Notice 93-11 are not considered labeled in compliance with the WPS provisions after October 23, 1995. Products that do bear complying WPS labeling include those relabeled in accordance with Supplement D of PR Notice 93-11 (by using a sticker or similar modification to an existing label and full product-specific labeling referenced by the sticker). An example of an Agricultural Use Requirements box follows:

AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions for exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours.

PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- Chemicals over long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or viton
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure

Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

If a product label does not have an Agricultural Use Requirements box, it is necessary to determine whether the product is within the scope of the WPS and, therefore, requires WPS labeling. In some instances, it may be easy to identify a product that requires WPS labeling; the newest shipment of containers of the same product may bear the following: (1) Labeling with an Agricultural Use Requirements box that

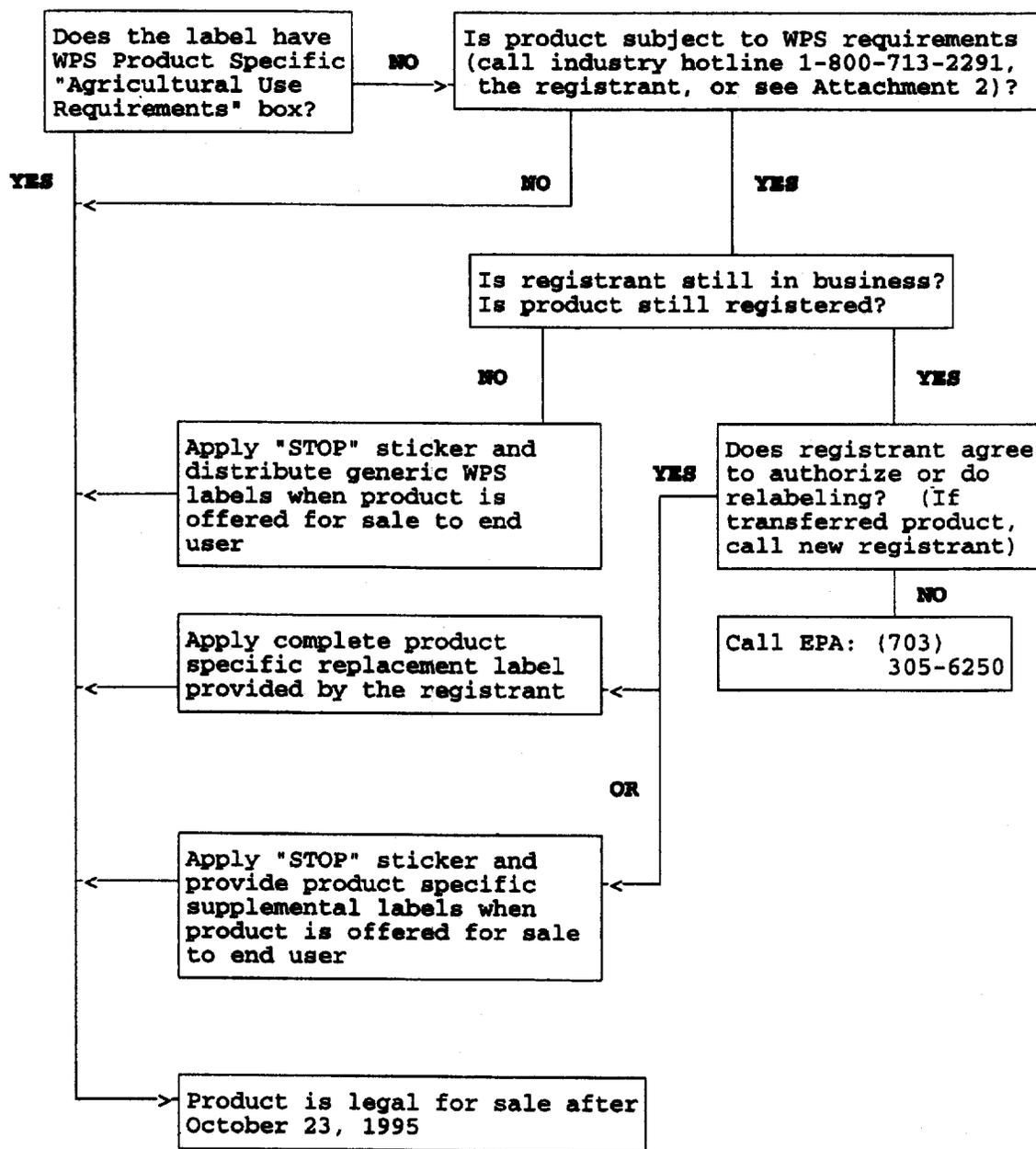
refers to the WPS; or (2) stickers referring to supplemental replacement labeling which contains such an Agricultural Use Requirements box.

The Agricultural Use Requirements box references the WPS and requires certain practices intended to reduce or eliminate worker and handler exposure from pesticides. The box includes restricted entry intervals, personal protective equipment and the

notification requirement for pesticide-treated areas. Retailers and wholesalers may determine whether modifying a product label is necessary by calling the registrant of the product or by using the following diagram and criteria presented in Section B to evaluate each product. For additional assistance, contact the industry-sponsored "WPS Task Force" at 1-800-713-2291.

BILLING CODE 6560-50-F

WPS RELABELING PROCESS FOR RETAILERS AND WHOLESALERS



B. Scope Criteria and Determining WPS Applicability to Individual Products

In PR Notice 93-7, registrants were to answer a series of questions to determine if their product fell within the scope of WPS. To determine whether pesticide products fall within the scope of this policy (i.e. those that do not already bear labeling containing WPS requirements in an Agricultural Use Requirements box), the following questions must be answered: Begin here for each product:

1. 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 policy. Go on to question 2.

If you answered "No" to all of these questions, this product is *not* within the scope of this policy statement. Begin again with question 1 for your next product.

2. 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" to this question, this product is *not* within the scope of this policy statement. Begin again with question 1 for the next product.

If you answered "No" to this question, this product may be within the scope of this policy statement. Go on to question 3.

3. 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?
- 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 policy. Begin again with question 1 for the next product.

If you answered "No" to this question, this product may be within the scope of this policy. Go on to question 4.

4. 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?
- 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 1 for the next product.

If you answered "No" to this question, this product may be within the scope of this policy. Go on to question 5.

5. 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:

- a. 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.
- b. 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 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," using those words.
 - Any reference to chemigation.
 - Directions for mechanical agitation.
 - Instructions or restrictions concerning livestock grazing.

c. The product is packaged in a container holding no more than 40 pounds if the product is a solid, or 2 gallons if it is a liquid, or 2 pounds if it is an aerosol.

If all three tests (5a, 5b, 5c) above are fully satisfied, this product is *not* within the scope of this policy. Begin again with question 1 for the next product.

If any of these three tests is *not* fully satisfied, this product is within the scope of this policy statement. (If the product does not satisfy all these three tests but you believe it is nonetheless intended primarily for home use or is otherwise limited to use on plants grown for other than commercial or research purposes, check with the registrant. Start again with question 1 for the next product.)

C. Registrant Responsibilities in the Revision of Product Labels to Comply with the WPS

Registrants must conduct or authorize any relabeling. If a retailer or wholesaler will relabel products, the registrant must provide a written authorization and provide product-specific WPS labeling.

In conducting or authorizing relabeling, registrants are responsible for ensuring that relabeling of non-complying products takes place in accordance with the WPS and this policy statement. They may choose to conduct relabeling by recalling the product and relabeling with final printed replacement labeling at a registered establishment or relabeling at the location of the product; or authorize a wholesaler or retailer to relabel in accordance with this policy. Options and required specifications for relabeling are outlined in Unit IV.F. of this document.

The registrant must provide a written authorization to any wholesaler or retailer who agrees to relabel non-complying products. The authorization should outline the specific roles of the retailer, wholesaler, and registrant in relabeling. Registrants are fully responsible for ensuring that labeling modifications are carried out correctly by any person or company they authorize. Any limitations on who may be authorized to carry out relabeling under this policy statement must be explicit in the authorization document. The authorization cannot change the responsibilities of any of the parts of terms of this policy statement. Any relabeling of products with WPS labels must be done in cooperation with all involved parties and under the written authorization of the registrant.

The registrant must provide labeling to those they authorize to conduct

relabeling. The labeling must comply with the WPS and this policy statement. This also includes "STOP stickers" if supplemental labeling is used. A description and specifications for the "STOP stickers" are given in Unit IV.F. of this document.

D. Wholesaler Revision of Product Labels to Comply with the WPS

Wholesalers must take the following actions in order to revise product labels to comply with the WPS: gain registrant authorization for any relabeling at the wholesaler establishment, and distribute non-complying products only as permitted by this policy statement. Wholesalers may use industry-sponsored assistance to identify which specific products require WPS-complying labels.

Wholesalers may gain registrant authorization for relabeling at the wholesaler establishment. The registrant may authorize a wholesaler, retailer or other person(s) to perform relabeling. Any relabeling of products must be performed under the written authorization of the registrant. If the registrant will not perform relabeling or authorize the wholesaler or another party to relabel, the wholesaler should contact EPA's Registration Division (703-305-6250) for instructions on how to proceed with these products. Wholesalers must follow the options and required specifications for relabeling in this policy statement.

Wholesalers must not distribute non-complying products, except as permitted by this policy statement. Products within the scope of the WPS that do not bear WPS labeling may not be legally distributed or sold after October 23, 1995. This policy statement, however, allows the wholesaler to ship non-complying product prior to relabeling, if the following conditions are satisfied: (1) The wholesaler has notified and obtained agreement of the receiving person(s) to ensure that WPS relabeling will occur before the product is "offered for sale" or distribution to the end user; and, (2) the registrant will either conduct or has authorized relabeling. For the purposes of this policy statement, pesticides are considered "offered for sale" whenever they are available in areas accessible to customers, unless they are clearly identified as products that may not be sold until relabeled.

Industry-sponsored assistance is available to wholesalers in order to bring products into compliance with WPS. Wholesalers may contact the "WPS Task Force" at 1-800-713-2291. This service will help identify which specific products are covered by the

WPS and need WPS-complying labeling and distribute "STOP stickers" and required WPS supplemental labeling for registrants participating in the service. Other requests will be referred to other organizations.

E. Retailer Responsibilities in Revision of Product Labels to Comply with the WPS

Retailers must take the three following actions in order to bring products into compliance with WPS: do not offer for sale or distribute any non-complying products after October 23, 1995. Retailers must obtain registrant written authorization for relabeling at the retailer establishment. Retailers may use industry-sponsored assistance to bring products into compliance.

Retailers must not offer for sale products that do not comply with the WPS after October 23, 1995, except as allowed by this policy statement. This policy statement allows products to be relabeled under certain specifications prior to being "offered for sale." For the purposes of this policy statement, pesticides are considered "offered for sale" whenever they are available in areas accessible to customers, unless they are clearly identified as products that may not be sold until relabeled.

Retailers may gain registrant authorization for relabeling at the wholesaler establishment. The registrant may authorize a wholesaler, retailer or other person(s) to perform relabeling. Any relabeling of products must be performed under the written authorization of the registrant. If the registrant will not perform relabeling or authorize the retailer or another party to relabel, the retailer should contact EPA's Registration Division (703-305-6250) for instructions on how to proceed with these products. Retailers must follow the options and required specifications for relabeling in this policy statement.

Industry-sponsored assistance is available to retailers in order to bring products into compliance with WPS. Retailers may contact the "WPS Task Force" at 1-800-713-2291. This service will help identify which specific products are covered by the WPS and need WPS-complying labeling and distribute "STOP stickers" and required WPS supplemental labeling for registrants participating in the service. Other requests will be referred to other organizations.

F. Options for Relabeling

The following options apply to the majority of products covered by this policy statement, i.e. stocks of registered products subject to WPS which lack

required WPS labeling. The options available to bring non-complying product labels into compliance are: final printed WPS-complying replacement labeling and supplemental product-specific labeling with "STOP stickers." Other products, referred to as "Special Products," are described and discussed in Unit IV.H. of this document.

1. *Final printed WPS-complying replacement labeling.* Products may be relabeled by replacing existing labels and labeling with final printed WPS-complying replacement labeling that is securely affixed to the pesticide container. The final printed WPS-complying replacement labeling must be supplied by the registrant of the product. Such labeling must be printed or affixed to the product package. If affixed, it must be difficult to remove without residue or damage to the underlying packaging or labeling it is replacing. If final printed replacement labeling is used, it must meet the above standards as well as those required in the WPS.

Replacement labeling could also be designed only to modify existing labeling by adding the required WPS labeling statements without replacing the entire existing labeling. Although we do not expect this option to be used often, it may provide additional flexibility. If this option is chosen, the replacement labeling must be designed and affixed in such a way that it will not alter or obscure the other portions of the label text that remain unchanged. Under this option, an additional supplement containing WPS requirements cannot be developed. Additionally, replacement labeling must be affixed in such a manner that any existing labeling statements or requirements that are superseded by WPS requirements are no longer visible so there is no confusion as to the appropriate use restrictions for the end user.

If the product bears existing labeling on both an outer packaging or supplement and an immediate container, the replacement labeling must be affixed to both. For inner water soluble packages, the outer package, but not the immediate container, will require replacement labeling.

2. *Supplemental product-specific labeling.* Alternatively, products may be relabeled by using supplemental product-specific labeling that is provided when the product is offered for sale to the end user, provided that a "STOP sticker" is affixed to the label and the sticker meets the requirements as specified below. The supplemental product-specific labeling must be supplied by the registrant of the product.

a. Format of supplemental product-specific labeling.—Supplemental labeling can be presented in two formats:

1. Single-product supplement that contains labeling information for only the specific product the end-user is buying. This labeling must display the (1) full text of current product labeling, or (2) partial text that includes complete WPS-complying labeling (as EPA accepted or registrant-verified). An example of a single-product supplement follows the supplemental labeling specification discussion in Unit IV.F.2.b. of this document.

2. Multi-product supplement that contains labeling information for all products for a specific registrant. WPS information required to appear on all product labels may appear in the brochure only once, along with product-specific WPS information presented for each product covered by the brochure. This option is *not* available for fumigant products because of the specialized nature of the fumigant label. An example of a brochure follows the supplemental labeling specification discussion in Unit IV.F.2.b. of this document.

b. Supplemental product-specific labeling specifications.—Supplemental replacement labeling must meet the following specifications:

- Title. The supplemental labeling must prominently bear the words “SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS” at the top of the first page or be in a pouch prominently displaying the words “SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS,” attached to the container.

- Content. Supplemental labeling can be presented in a single product supplement or a multi-product brochure.

Single-product supplements include labeling information for only the product the end-user is buying. These supplements will contain either: (1) The full text of current product labeling, or (2) the partial text that includes only the complete WPS product labeling information, a contact phone number for the registrant, and no information unrelated to the products’ labeling. An example of a single-product supplement follows:

SINGLE-PRODUCT, PRODUCT-SPECIFIC

(Example)

“Supplemental Labeling With Worker Protection Requirements”

Product Name, Company Name, EPA Reg. No.

For compliance with the Worker Protection Standard (40 CFR Part 170). Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170). When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions include owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170. This standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and green houses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions for exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the Agency responsible for pesticide regulation.

Entry-Restrictions: Do not enter or allow worker entry into treated areas during the restricted entry interval (REI) of 48 hours/days.

Notification Instructions: (If required) Notify workers of the application by warning them orally and by posting warning signs at entrances to treated areas.

Personal Protective Equipment (PPE) Requirements:

Handler PPE: Applicators and other handlers must wear:

- Coveralls over long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or viton
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure
- Chemical-resistant apron when cleaning equipment, mixing, or loading

Early Entry PPE: PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water is:

- Chemicals over long-sleeved shirt and long pants
- Chemical-resistant gloves such as barrier laminate or viton
- Chemical-resistant footwear plus socks
- Protective eyewear
- Chemical-resistant headgear for overhead exposure

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements.

Multi-product brochures must contain complete WPS product labeling information for all products that are within scope of the WPS for the registrant, a contact phone number for the registrant, and no information unrelated to the products' labeling. If a brochure includes multiple products with similar names (e.g., Weed Killer 4EC, Weed Killer 10WP), the brochure must contain an advisory statement located near such a grouping reminding users to carefully match the WPS requirements in the brochure with the particular product they are using. This option is *not* available for fumigant products. An example of a multi-product brochure is provided.

MULTI-PRODUCT, PRODUCT-SPECIFIC
(Example)

“Supplemental Labeling With Worker Protection Requirements”

For compliance with the Worker Protection Standard (40 CFR Part 170):
Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).
When this product is used on an agricultural establishment (farm, forest,

nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions *include* owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

WPS Product Summary for Company XYZ:

Advisory: Similar names. Match WPS requirements carefully with products.	Weed Killer 10 G Granules	Weed Killer 10 WP	Weed/Insect Killer Super 8EC
Active Ingredient(s)	dicarbamon	tribamocarb tribamocarb	dicarbamon tribamocarb oxyethylion
EPA Reg. No.	9999-1	9999-2	9999-3
REI (hours)	12	48	48 (72 in arid areas)
PPE for Handlers Note: “CR” = Chemical Resistant	Long sleeved shirt Long pants Waterproof gloves Shoes, socks Protective eyewear	Mixers and loaders: Coverall over short sleeved shirt, short pants CR footwear, socks CR headgear for overhead exposure CR apron Dust/mist filtering respirator (TC-21C) Applicators and other handlers: Coverall over short sleeved shirt, short pants Waterproof gloves CR footwear, socks CR headgear for overhead exposure CR apron when cleaning equipment	Applicators: Coverall over long sleeved shirt, long pants CR gloves such as barrier laminate or viton CR footwear CR headgear for overhead exposure Protective eyewear <i>For exposures in enclosed areas, either an organic vapor removing cartridge respirator (TC-23C) or canister approved for pesticides (TC-14C)</i> <i>Outdoor exposures:</i> dust/mist respirator (MSHA/NIOSH TC-21C)

WPS Product Summary for Company XYZ:—Continued

Advisory: Similar names. Match WPS requirements carefully with products.	Weed Killer 10 G Granules	Weed Killer 10 WP	Weed/Insect Killer Super 8EC
PPE for Early Entry Workers	Coverall Waterproof gloves Shoes, socks Protective eyewear	Coverall over short sleeved shirt, short pants Waterproof gloves CR footwear, socks CR headgear for overhead exposure	Coverall over long sleeved shirt, long pants CR gloves CR footwear, socks CR headgear for overhead exposure Protective eyewear
Double Notification Required?	No Only Oral	No Only Oral	Yes Oral and posting

Supplemental distributors must develop separate brochures because product names will be different. However, "buyout/transferred," "orphaned/canceled," and "dormant" products for which WPS label language has been approved by EPA (all described in Unit IV.H.) may be included in the same brochure if the following conditions are met. "Buyout/transferred" products can be included only if (1) both registration numbers are listed in the reference table, and (2) the brochure cover specifies previous registrants' names represented on the "transferred" products' labels and that these products have been transferred to the existing registrant. (i.e., this brochure also contains products previously owned by companies B, C, and D but now owned by company A. . .) This will facilitate end users locating the correct brochure that corresponds to each product. If "orphaned/canceled" products are included, then the reference table should specify "canceled: generic instructions" for each such product and should indicate the specific generic requirements for each particular pesticide's label.

Optional information for both single-product supplements and multi-product brochures includes: complete registrant identification, including company logo; statements clearly connecting the brochure with the "STOP stickered" product; footnotes explaining chemical resistant categories for gloves, respirators, etc.; statements to clarify information given in the brochure; and statements concerning: discarding, washing, or maintenance of personal protective equipment, user safety recommendations, Spanish language warnings, REI's that are longer than those prescribed by the WPS, and Engineering Control Statements.

- **Highlighting.** If the registrant has chosen to use a multi-product brochure, instead of a single-product supplement,

as described in the next sections, EPA strongly encourages that the wholesaler or retailer highlight or clearly identify in the brochure the specific product(s) being sold or distributed to the end user. This will assist the end-user in quickly identifying the requirements for the specific product before pesticide application.

- **Location.** EPA strongly encourages physically attaching the supplemental labeling to product containers to ensure end-users receive the supplemental labeling. (Note: It is a violation of the WPS and this policy statement to sell or distribute products with non-complying labels or "offer such products for sale," to the end-user without providing the appropriate supplemental labeling.) If the labeling is not attached, it must be located in close physical proximity (e.g., immediately adjacent or next to) and accompany the product when the product is offered for sale to the end-user. When products are "offered for sale" to the end user, the supplemental labeling must be placed in such a way that it is clear which labeling corresponds to which product. Therefore, single-product supplemental labeling for different products and multi-product brochures for different registrants should not be mixed. Whenever feasible, supplemental labeling should accompany the stickered product at every stage of distribution.

- **Format.** The supplemental replacement labeling may be photocopied, provided all text is legible. Illegible photocopies and faxes are unacceptable. The User Safety Recommendations and Agricultural Use Requirements must each be located in a clearly separate box with lines or other graphic indicators to separate them from the surrounding text.

3. "**STOP sticker**" specifications. If supplemental product-specific labeling will be used (instead of final printed

replacement labeling as defined in Unit III.B.1. of this document) a "STOP sticker" must be applied only to those products that bear a label which has not been revised to comply with complete WPS requirements. If multiple products are contained on pallets or in shipping containers, these containers must be opened and a "STOP sticker" must be affixed to each individual product's immediate container and outside container before the product is offered for sale to the end-user. (The immediate containers of water soluble packages do not have to be stickered.)

"Stickered" of products must be carried out according to the following specifications:

- **Required Text.** "STOP--Use this product only in accordance with the Worker Protection Standard, 40 CFR Part 170, and the "SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS," which must be provided when the product is offered for sale. Otherwise, you are in violation of FIFRA. For more copies of the labeling, contact your dealer or call 1-800-713-2291.

- **Product labels that must not receive stickers.** "STOP stickers" must NOT be applied to product labels that already comply with WPS requirements or that do not require a WPS label. For instance, deleted-use products must not receive a sticker or WPS labeling.

- **Timing.** The sticker must be affixed to the product container prior to the time the product is offered for sale to the end-user.

- **Prominence.** The sticker must be legible and prominent on the product package through use of contrasting colors or other graphic devices and must be placed on the label of each product container.

- **Location.** It must be printed on or affixed to the product container. If affixed, it must be difficult to remove without residue or damage to

underlying packaging or labeling. It must not be located on the bottom of the package or any other place that will not readily be noticed by users. If the product bears labeling on both outer packaging and immediate container, the sticker must be affixed to both. However, inner water soluble packages need not be modified under this approach.

- Obscuring existing language. The sticker must not obscure any information on the existing label.
- Highlighting specific products in brochures. EPA strongly encourages that the retailer highlight or clearly identify in the brochure the specific product(s) being sold or distributed to the end user. This will assist the end-user in quickly identifying the requirements for the specific product before pesticide application.

G. Relabeling Sites

WPS-related relabeling under this policy statement may occur at any site (such as wholesale or retail sites), by such persons without registration of the site as a pesticide-producing establishment. Relabeling of stocks of products with non-complying labels product under this policy statement may only be carried out by persons acting under the authority of the registrant as an "authorized agent" of the registrant.

H. Amending Product Labels of Special Products to comply with the WPS

1. *Orphaned or canceled products.* "Orphaned" products are those products where the registrants are no longer in business. Canceled products are those products canceled pursuant to FIFRA section 4 or 6 where EPA cancels the registration without transferring it to another person. You may have existing stock of these products that are within the scope of the WPS and do not bear WPS labeling.

EPA will allow sale or distribution of a pesticide product which is an orphaned or canceled product, after October 23, 1995, provided the product labeling is first modified to comply with the requirements below.

Labels of orphan or canceled products must be modified by using a "STOP sticker" and generic supplemental labeling that is provided when the product is being offered for sale to the end-user and meets certain requirements as specified below. WPS-related relabeling under this policy statement, including generic supplemental labeling may occur at any site (such as distribution or retail sites), by any retailer or wholesaler. An example of the supplemental labeling with the generic worker protection requirement is provided.

"Supplemental Labeling With Generic Worker Protection Requirements"

For compliance with the Worker Protection Standard (40 CFR Part 170):

Important: This supplemental labeling does not apply (1) to soil or space fumigant products, (2) to products containing ethyl parathion, or (3) if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).

When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must comply with these instructions *include* owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR 170.

This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift.

Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Entry-Restrictions: Do not enter or allow worker entry during the restricted-entry interval (REI). The restricted-entry interval for this product is:

- the specific number of hours or days (if any) listed elsewhere on the product labeling as the reentry interval or entry restriction for the crop or site, if 12 hours or more;
- 12 hours, if no specific number of hours or days is listed elsewhere on the product labeling as the reentry interval or entry restriction for the crop or site;

The restricted-entry interval for this product must be at least 12 hours.

Notification Instructions: Follow the rules in the WPS for notifying workers of the application. EXCEPTION: If the instructions about notification (if any) listed elsewhere on the product labeling *require* posting of treated areas (rather than offering a choice), you must notify workers of the application by warning them orally AND by posting signs at entrances to treated areas, following the rules in the WPS.

Personal Protective Equipment (PPE) Requirements:

- *Handler PPE:* Pesticide handlers must wear the PPE listed elsewhere in the product labeling for applicators. If specific PPE is required elsewhere on the product label for specific handling tasks (such as mixing or loading), it must be worn while performing such tasks. In any case, any handler using this product must wear no less than: long-sleeved shirt, long pants, shoes, socks, and chemical-resistant or waterproof gloves.
- *Early Entry PPE:* PPE required for early entry to treated areas that is permitted under the Worker Protection Standard and that involves contact with anything that has been treated, such as plants, soil, or water, is the same PPE as required elsewhere on this product label for applicators, except that any respirator requirement is waived. In any case, the minimum PPE required for any early entry worker exposed to this product is no less than: coveralls, shoes, socks, and chemical-resistant or waterproof gloves.

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements.

The fumigant generic supplemental labeling must be furnished to purchasers of agricultural fumigants. An example of a generic supplemental label is provided. The non-fumigant generic supplemental labeling must be furnished to purchasers of all other agricultural pesticides, except ethyl parathion products.

“Supplemental Labeling With Generic Worker Protection Requirements For Agricultural Fumigants”

For compliance with the Worker Protection Standard (40 CFR Part 170):

Important: This supplemental labeling applies ONLY to soil or space fumigant products used in the production of agricultural plants. It does not apply if elsewhere on the product labeling an Agricultural Use Requirements box requires compliance with the Worker Protection Standard (40 CFR Part 170).

When this product is used on an agricultural establishment (farm, forest, nursery, or greenhouse) for the commercial or research production of agricultural plants, users must comply with the instructions in this supplemental labeling. Users who must

comply with these instructions include owners/operators of the agricultural establishment and owners/operators of commercial businesses that are hired to apply pesticides on the agricultural establishment or to perform crop-advising tasks on such establishments. Failure to comply with the requirements on this supplemental labeling and with the Worker Protection Standard (40 CFR Part 170) is a violation of Federal law, since it is illegal to use a pesticide product in a manner inconsistent with its labeling.

AGRICULTURAL USE REQUIREMENTS

Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR Part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements in this labeling about personal protective equipment, restricted-entry intervals, and notification to workers. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard (WPS).

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific to your State or Tribe, consult the agency responsible for pesticide regulation.

Entry-Restrictions: Follow the applicable entry restrictions listed elsewhere on the product labeling.

Notification Instructions: Follow the rules in the WPS for notifying workers of the application.

Exception: If there are instructions listed elsewhere on the product labeling that requires the posting of specific signs at treated areas, you must notify workers of the application by warning them orally AND by posting the signs specified on the labeling.

Personal Protective Equipment (PPE) Requirements: Follow the applicable PPE instructions (if any) listed elsewhere on the labeling.

Conflicting Instructions: If the requirements of the WPS conflict with instructions listed elsewhere on this product label, users must obey the more protective requirements

Supplemental generic labeling specifications

- **Title.** The supplemental labeling must prominently bear the words "SUPPLEMENTAL LABELING WITH GENERIC WORKER PROTECTION REQUIREMENTS" at the top of the first page or be in a pouch prominently displaying the words "SUPPLEMENTAL LABELING WITH GENERIC WORKER PROTECTION REQUIREMENTS" attached to the container.

- **Content.** As appropriate to the type of product, the generic supplemental labeling must contain the complete text of the labeling as provided in the example presented.

- **Location.** EPA strongly encourages physical attachment of the supplemental labeling to product containers to ensure end-users receive the supplemental labeling. (Note: It is a violation of the WPS and this policy statement to sell or distribute products with non-complying labels or offer such products for sale, to the end-user without providing the appropriate supplemental labeling.) If the labeling is not attached, it must be located in close physical proximity to and accompany the product when the product is offered for sale to the end-user. Whenever feasible, supplemental labeling should accompany the stickered product at every stage of distribution.

- **Format.** The generic supplemental labeling should be similar to that presented in this policy statement, with all text legible. See Units IV.F. and IV.H. for examples.

Note: Ethyl Parathion Products: Holders of stocks on products without WPS-complying labels may not use the option of generic supplemental labeling described below and should contact the registrant of such products or, if necessary, EPA for guidance.

"STOP Sticker" Specifications for Generic Supplemental Labeling "Stickering" of orphaned or canceled products is only allowed according to the following specifications:

- **Required Text.** STOP--Use this product only in accordance with the Worker Protection Standard, 40 CFR Part 170, and the "SUPPLEMENTAL LABELING WITH WORKER PROTECTION REQUIREMENTS," which must be provided when the product is offered for sale. Otherwise, you are in violation of FIFRA. For more copies of the labeling, contact your dealer or call 1-800-713-2291.

- **Timing.** The sticker must be affixed to the product container whenever the product is offered for sale or distribution to the end user.

- **Prominence.** The sticker must be legible and prominent on the product package through use of contrasting colors or other graphic devices, and placement on the label of each product container.

- **Location.** It must be printed on or affixed to product containers. If affixed, it must be difficult to remove without residue or damage to underlying packaging or labeling and must not be located on the bottom of the package or any other place that will not readily be noticed by users. If the product bears labeling on both outer packaging and immediate container, the sticker must be affixed to both. (Exception: STOP stickers need not be affixed directly on inner water soluble packages.)

- **Obscuring existing language.** The sticker or facsimile must not obscure any information on the existing label.

2. *Buy-out or transferred products.*

These are stocks of products that have been transferred to another registrant who has responsibility for the product's registration. The existing stocks have the original company's name and registration number.

The new registrant should choose one of the following options to deal with these products:

- **Recall and relabel/repackage.** Recalling the products and repackaging them at a registered establishment with final printed replacement labeling, or
- **Product-specific relabeling.**

Conducting or authorizing relabeling of products with either: (i) Final printed product-specific, WPS-complying replacement labeling or (ii) supplemental product-specific replacement labeling and a "STOP sticker" that meets certain requirements.

Relabeling must occur in accordance with the section entitled, "Supplemental Product-Specific Labeling Specifications." This section also contains information about including "transferred" products in multi-product brochures. Generic Supplemental Labeling and STOP stickers may NOT be used for these products.

3. *Deleted-use products.* These are products for which the registrant has amended the registration to delete certain uses (e.g., sod) thereby putting the product outside the scope of the WPS. There may be existing stocks of such products that still have the previous label and are thus within the WPS scope.

The registrant should choose one of the following options to relabel these products. Otherwise, the product may not be distributed or sold after October 23, 1995.

- Recall and relabel/repackage. Recalling the products and relabeling/repackaging them at a registered establishment with the current labeling that has been amended to delete WPS uses.

- Product-specific relabeling. Conducting or providing a written authorization for relabeling of products with the current labeling that has been amended to delete any WPS uses. Products can be relabeled by: (i) Replacing existing labeling with the current final printed replacement labeling, or (ii) marking/blocking out all WPS uses and references to WPS uses (e.g., use directions). If final printed replacement labeling is used, the amended labeling must completely obliterate the previous label so that the previous label does not show. It must be

securely affixed to the product package and be difficult to remove without residue or damage to the underlying packing or labeling. If the option to mark/block out of all WPS references is chosen, all WPS uses and references to WPS uses must be completely blocked and no other portions of the label text that remain unchanged must be altered or obscured.

In the event that a retailer or wholesaler is unable to get a registrant to recall and relabel these products, you should contact EPA's Registration Division (703-305-6250) for instructions on how to proceed with those products.

4. *Dormant products.* These are products where no quantity of the product has been produced and distributed after April 21, 1994, and for which registrants elected to defer labeling amendments. If there are products left in the channels of trade, they must not be sold or distributed after October 23, 1995. In this situation, the registrant has several options:

- Product-specific relabeling. Amend the product registration to include the WPS requirements and follow all requirements for relabeling with product-specific replacement labeling.

- Relabeling with non-WPS label. Amend the product registration to delete any WPS uses by either recalling and relabeling/repackaging or by conducting or providing a written authorization for relabeling of products at the product's location with the updated, non-WPS label.

- Generic labeling. Voluntarily cancel the registration and follow all requirements for orphaned or canceled products concerning relabeling with

supplemental generic replacement labeling.

V. Deadline for Relabeling and Final Sale

By October 23, 1996, all products being distributed or sold must bear final printed, WPS-complying, replacement labeling that conforms to the requirements outlined in this policy statement. Supplemental product-specific replacement labeling will *not* be allowed after this date.

Retailers or wholesalers of orphan or canceled products may still use generic supplemental replacement labeling and "STOP stickers" in accordance with this policy statement after October 23, 1996.

VI. For Further Information and Assistance

If after reading this policy statement you have questions about what you must do to bring the labeling of any product you hold into compliance, you are encouraged to call the registrants of any such products for assistance. If further assistance is necessary, you may call EPA or any of its regional offices for assistance. The EPA headquarters number for assistance is (703) 305-6250. Additional information also may be obtained from the industry task force at 1-800-713-2291.

List of Subjects in Part 156

Environmental protection and Worker protection.

Dated: November 30, 1995.

Daniel M. Barolo,
Director, Office of Pesticide Programs.

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