



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

JAN 10 2013

Subject: Revisions to Environmental Hazard and General Labeling for Pyrethroid
Non-Agricultural Outdoor Products

Dear Registrant:

You are receiving this letter because your company holds registrations for pyrethroid products.

Background

In 2009, EPA revised the “Environmental Hazard Statements” and general “Directions for Use” for pyrethroid pesticide products used in non-agricultural outdoor settings in order to limit offsite runoff and drift of pyrethroid non-agricultural outdoor products. The revised label statements were recommended to reduce potential for runoff and drift that can result from applications of pyrethroid end-use products by both professional pesticide control operators and residential consumers in residential, commercial, institutional, and industrial areas. The label statements spell out good stewardship and best-management practices and clarify how these types of products are intended to be used.

The 2009 good stewardship, best management practices, and environmental hazards label statements are meant to clarify how outdoor pyrethroid products are intended to be used by both professional pesticide control operators (PCOs) and residential consumers in residential, commercial, institutional, and industrial areas. The new label language applies to all synthetic pyrethroid insecticide products intended for outdoor use.

For pyrethroid pesticide active ingredients subject to reregistration, the labeling initiative language was required through EPA’s development and implementation of Reregistration Eligibility Decisions (REDs). The labeling initiative was optional for all other pyrethroid active ingredients, although the Agency worked closely with pesticide manufacturers and other stakeholders to establish agreement on the need for the revisions and to encourage implementation. A notification letter (<http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2008-0331-0019;oldLink=false>) and other information explaining the label initiative were sent to all pyrethroid registrants on June 4, 2009, and EPA allowed 1 yr for registrants to submit amended labels (by June 4, 2010).

Stakeholder Response:

In 2011, EPA began receiving requests for clarification, and in some cases, approval to make revisions to the revised label language, from states, professional commercial applicators, and

industry groups. These letters, as well as the Agency's responses, are available on EPA's pyrethroid webpage at <http://www.epa.gov/oppsrrd1/reevaluation/environmental-hazard-statement.html>.

On September 18, 2012, members of EPA's Pesticide Re-evaluation Division (PRD), Registration Division (RD), and Environmental Fate and Effects Division (EFED) attended a workshop facilitated by the National Pest Management Association (NPMA) and the Association of Structural Pest Control Regulatory Officials (ASCPRO) in conjunction with The State-FIFRA Issues Research and Evaluation Group (SFIREG), developed to discuss questions raised by professional pesticide applicators concerning revisions the 2009 pyrethroid non-agricultural language.

At the workshop, the biology and behavior of certain aggregating, overwintering pests was described, and various control strategies for treating the pests were discussed and demonstrated. PCOs demonstrated how the 2009 limitations on general surface applications to the outside of structures to areas less than three feet above grade, or to spot and crack and crevice treatments, impede PCOs' ability to effectively control certain overwintering pests (or "occasional invaders"), such as brown marmorated stink bugs and kudzu bugs. The workshop facilitators explained that methods such as sealing of cracks and crevices, and targeting treatments to pest entry points via crack and crevice application is extremely labor intensive and a potentially ineffective means to control the extremely large populations of overwintering pests from seeking harborage locations inside structures.

NPMA, ASCPRO, and SFIREG suggested revisions to the directions for use on pyrethroid pesticide products intended to clarify potential ambiguity and enhance the capability of professional applicators to treat overwintering pests.

Revisions to 2009 Language

After considering all comments received to date and the information presented by stakeholders on September 18th, applications made by PCOs to treat overwintering pests will be allowed in size exceeding those of a spot or crack and crevice treatment, if the treatment area is above turf or vegetation and when aggregating pests are present. Treatments to large structural areas above impervious surfaces, such as driveways, will still be prohibited, limiting the potential for run-off or drift to urban surface water.

Because the residual activity of pyrethroid pesticide products is limited, and the chemicals are expected to wash off of structural surfaces and enter nearby sewer systems and water bodies during the first rain event, prophylactic treatments to large areas of structural surfaces exposed to rainfall will not be allowed. However, treatments larger in scale than a spot or crack and crevice treatment, applied to structural areas permanently protected from rainfall by a covering, overhang, awning, or other such structure, can be made in the absence of pests.

EPA will allow registrants the option of adding the label language below to the Use Directions of end use product labels intended for occupational use. The revisions are specified in the revised table of "Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor

Products”, included as an attachment to this letter and available on EPA’s webpage at <http://www.epa.gov/oppsrrd1/reevaluation/pyrethroids-pyrethrins.html>

- “Do not apply directly to impervious horizontal surfaces such as sidewalks, driveways, and patios except as a spot or crack and crevice treatment. During application, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters.”
- “All outdoor applications, if permitted elsewhere on this label, must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses, if allowed elsewhere on this label:
 1. Applications to soil or vegetation, as listed on this label, around structures;
 2. Applications to lawns, turf, and other vegetation, as listed on this label;
 3. Applications to the side of a building, up to a maximum height of 3 feet above grade;
 4. Applications to underside of eaves, soffits, doors, or windows permanently protected from rainfall by a covering, overhang, awning, or other structure;
 5. Applications around potential pest entry points into buildings, when limited to a surface band not to exceed one inch in width;
 6. Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label, and not over an impervious surface, drainage or other condition that could result in runoff into storm drains, drainage ditches, gutters, or surface waters, in order to control occasional invaders or aggregating pests.”

What You Can Do

Submit amended labels for the end use products containing pyrethroid active ingredients intended for professional use on outdoor, non- agricultural treatment sites, reflecting only the changes described above to the “Directions for Use” section. This action does not require the submission of registration service fees under the Pesticide Registration Improvement Act (PRIA) because Agency-initiated amendments are not subject to PRIA. As described in 40 CFR §152.50, the registrant should submit a completed Application for Registration (EPA Form 8570-1), along with any other required documentation.

Amendment requests should be sent to one of the following addresses:

U.S. Postal Service Deliveries

The following official mailing address should be used for notifications sent to OPP by U.S. mail:

Document Processing Desk
Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Personal/Courier Service Deliveries (e.g., FedEx)

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

Document Processing Desk Office of Pesticide Programs (7504P)
U.S. Environmental Protection Agency
Room S-4900, One Potomac Yard
2777 South Crystal Drive
Arlington, VA 22202-4501

If you have any questions or concerns regarding this letter, please contact Molly Clayton of my staff at (703)603-0522 or clayton.molly@epa.gov.

Sincerely,



Richard P. Keigwin, Jr., Director
Pesticide Re-evaluation Division
Office of Pesticide Programs



Lois Rossi, Director
Registration Division
Office of Pesticide Programs

Enclosure: Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products. December, 21 2012

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
<p align="center">End-Use Products Intended for Occupational Use (WPS and Non-WPS)</p>		
<p><i>Note to Registrant:</i></p>		
<p>Please note that the following Environmental Hazard Statements (per PR Notice 2008-1) are only intended to replace either of the following statements, whichever one appears on the pesticide label, typically found on products registered for an outdoor use:</p>		
<ul style="list-style-type: none"> • “Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.” • “For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash water or rinsate.” 		
<p>Other required environmental statements must remain on the label, such as wildlife hazard statements as toxicology data dictate (e.g., specific precautionary statements concerning bees, fish or aquatic organisms).</p>		
<p>Environmental hazard statements on Liquid Concentrate consumer outdoor products (e.g., liquids mixed with water by the user for a tank sprayer or hose-end attachment)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.”</p>	<p>Environmental Hazard Statement</p>
<p>Environmental hazard statements on Broadcast Granular consumer outdoor products (e.g., ready-to-use granular products which may be combined with fertilizers and broadcast applied with a drop or rotary spreader)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.”</p>	<p>Environmental Hazard Statement</p>
<p>Environmental hazard statements on Dusts consumer outdoor products (e.g., for garden or ornamental)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”</p>	<p>Environmental Hazard Statement</p>
<p>Environmental hazard statements on Liquid Ready-to-Use consumer outdoor</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours</p>	<p>Environmental Hazard Statement</p>

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
products (except aerosols)	will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”	
Additional Application Restrictions For Outdoor Use	<p>Products labeled for preconstruction termiticide applications:</p> <p>“The treatment site must be covered prior to a rain event in order to prevent run-off of the pesticide into non-target areas.</p> <p>The applicator must either cover the soil him/herself or provide written notification of the above requirement to the contractor on site and to the person commissioning the application (if different than the contractor). If notice is provided to the contractor or the person commissioning the application, then they are responsible under FIFRA to ensure that: 1) if the concrete slab cannot be poured over the treated soil within 24 hours of application the treated soil is covered with a waterproof covering (such as polyethylene sheeting), and 2) the treated soil is covered if precipitation is predicted to occur before the concrete slab is scheduled to be poured.”</p> <p>“Do not treat soil that is water-saturated or frozen.”</p> <p>“Do not treat when raining.”</p> <p>“Do not allow treatment to runoff from the target area.”</p> <p>“Do not apply within 10 feet of storm drains. Do not apply within 25 feet of aquatic habitats (such as, but not limited to, lakes; reservoirs; rivers; permanent streams; marshes or ponds; estuaries; and commercial fish farm ponds).”</p> <p>“Do not make on-grade applications when sustained wind speeds are above 10 mph (at application site) at nozzle end height.”</p> <p>Requirements for Granular Formulations labeled or intended for outdoor residential uses:</p> <p>“Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.”</p>	Directions for Use

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
	<p>“Do not make applications during rain.”</p> <p>Requirements for Liquid, Dust, and Ready to Use Formulations products labeled or intended for outdoor residential uses:</p> <p>“Do not water the treated area to the point of run-off.”</p> <p>“Do not make applications during rain.”</p>	
<p>Additional Application Restrictions For Residential Outdoor Surface and Space Sprays, except for outdoor fogging devices.¹</p>	<p>“All outdoor applications, if permitted elsewhere on this label, must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses, if allowed elsewhere on this label:</p> <ol style="list-style-type: none"> 1. Applications to soil or vegetation, as listed on this label, around structures; 2. Applications to lawns, turf, and other vegetation, as listed on this label; 3. Applications to the side of a building, up to a maximum height of 3 feet above grade; 4. Applications to underside of eaves, soffits, doors, or windows permanently protected from rainfall by a covering, overhang, awning, or other structure; 5. Applications around potential pest entry points into buildings, when limited to a surface band not to exceed one inch in width; 6. Applications made through the use of a coarse, low pressure spray to only those portions of surfaces that are directly above bare soil, lawn, turf, mulch or other vegetation, as listed on this label, and not over an impervious surface, drainage or other condition that could result in runoff into storm drains, drainage ditches, gutters, or surface waters, in order to 	<p>Directions for Use</p>

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
	control occasional invaders or aggregating pests.”	
General Application Restrictions for all products that do not contain directions for use in drains or sewers	<p>Note to registrant: If the end use product does not contain directions for use consistent with the exceptions above the exceptions may be eliminated from the label.</p> <p>Products labeled for use around or near floor drains must contain the following statement.</p> <p>“Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.”</p>	Directions for Use
General Application Restrictions for all products that contain directions for use in drains or sewers	“Do not apply directly to sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur, except as directed by this label.”	Directions for Use
End Use Products Primarily Used by Consumers/Homeowners		
<i>Note to Registrant:</i>		
Please note that the following Environmental Hazard Statements (per PR Notice 2008-1) are only intended to replace either of the following statements, whichever one appears on the pesticide label, typically found on products registered for an outdoor use:		
<ul style="list-style-type: none"> • “Do not apply directly to water. Do not contaminate water when disposing of equipment washwaters or rinsate.” • “For terrestrial uses: Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not contaminate water when disposing of equipment wash water or rinsate.” 		
Other required environmental statements must remain on the label, such as wildlife hazard statements as toxicology data dictate (e.g., specific precautionary statements concerning bees, fish or aquatic organisms).		
Environmental hazard statements on Liquid Concentrate consumer outdoor products (e.g., liquids mixed with water by the user for a tank sprayer or hose-end attachment)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.”	Environmental Hazard Statement

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
<p>Environmental hazard statements on Broadcast Granular consumer outdoor products (e.g., ready-to-use granular products which may be combined with fertilizers and broadcast applied with a drop or rotary spreader)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.”</p>	<p>Environmental Hazard Statement</p>
<p>Environmental hazard statements on Dusts consumer outdoor products (e.g., for garden or ornamental)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”</p>	<p>Environmental Hazard Statement</p>
<p>Environmental hazard statements on Liquid Ready-to-Use consumer outdoor products (except aerosols)</p>	<p>“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”</p>	<p>Environmental Hazard Statement</p>
<p>Additional Application Restrictions For Outdoor Use</p>	<p>Requirements for Granular Formulations labeled or intended for outdoor residential uses: “Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.” “Do not make applications during rain.”</p>	<p>Directions for Use</p>
<p>Additional Application Restrictions For General Outdoor Surface and Space Sprays, except for outdoor fogging devices.</p>	<p>Requirements for Liquid, Dust, and Ready to Use Formulations products labeled or intended for outdoor residential uses: “Do not water the treated area to the point of run-off.” “Do not make applications during rain.”</p>	<p>Directions for Use</p>

Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products- Revised December 21, 2012

Description	Amended Labeling Language	Placement on Label
	<p>Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.”</p> <p>Note to registrant: If the end use product does not contain directions for use consistent with the exceptions above the exceptions may be eliminated from the label.</p>	
<p>General Application Restrictions for all products that do not contain directions for use in drains or sewers</p>	<p>Products labeled for use around or near floor drains must contain the following statement.</p> <p>“Application is prohibited directly into sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur. Do not allow the product to enter any drain during or after application.”</p>	<p>Directions for Use</p>
<p>General Application Restrictions for all products that contain directions for use in drains or sewers</p>	<p>“Do not apply directly to sewers or drains, or to any area like a gutter where drainage to sewers, storm drains, water bodies, or aquatic habitat can occur, except as directed by this label.”</p>	<p>Directions for Use</p>

ⁱ This section contains the use directions revised in December 2012 to allow treatments to aggregating pests in certain circumstances, as described in EPA’s letter to pyrethroid registrants of XXXXX, available on EPA’s webpage at XXXXXXXXX.