



California Notice 2017-13

TO: Pesticide Product Registrants and Other Stakeholders

SUBJECT: SECONDARY CONTAINER LABELS

The Department of Pesticide Regulation (DPR) is aligning with the U.S. Environmental Protection Agency's (EPA'S) guidance on secondary container labeling for pesticides. Secondary containers are used to apply and/or store a diluted EPA-registered pesticide and, when filled with the pesticide, cannot be sold nor distributed. Secondary containers are most commonly used in institutional settings for concentrated antimicrobials that are diluted prior to use or to hold pesticides filled from a larger container to be used and stored prior to application. Often, secondary containers are filled by end users at the site where the product will be used. Registrants sometimes provide users with labels for secondary containers.

DPR does not require labels on secondary containers. However, the California Department of Industrial Relation's Division of Occupational Safety and Health and the California Department of Transportation requirements may apply. Secondary container labels are not required to be submitted to U.S. EPA or DPR. However, effective immediately, if you submit a secondary container label to DPR, it must bear the same signal word as the concentrate label or no signal word. DPR will accept a secondary container label with lesser precautionary statements than the concentrate label only if acute toxicity data are submitted or are currently on file with DPR to support the lesser precautionary statements on the secondary container label and alternate directions for the diluted product are indicated on the concentrate container label.

Secondary container labels should include the following:

- Product name
- EPA registration number
- Name and percentage of active ingredient of the concentrated product or if known, the percentage of active ingredient in the end-use dilution
- If the product in the secondary container is diluted, it should be followed by the phrase: *"The product in this container is diluted as directed on the pesticide product label."*
- The same signal word as the registered concentrate container label
- The same precautionary statements as the registered concentrate container label unless the registrant has acute toxicity data supporting lesser precautionary statements for the diluted product and alternate directions for the diluted product are indicated on the concentrate container label; and,
- The statement: *"Follow the directions for use on the pesticide label when applying this product."*



For further information regarding secondary containers and secondary container labeling, see U.S. EPA's Secondary Containers and Service Containers for Pesticides at <<https://www.epa.gov/pesticide-labels/secondary-containers-and-service-containers-pesticides>>.

If currently registered products have secondary container labels on file with DPR that do not meet the above criteria, registrants should submit revised labels to DPR as an amendment. Each submission must include an application, an application fee, copy of the U.S. EPA stamp-accepted label, six copies of the concentrate container label, and six copies of the secondary container label. If the precautionary statement on the secondary container label bears lesser precautionary statements, the submission must be accompanied by acute toxicity data or a reference to data on file with DPR. As an alternative to submitting revised labels, registrants have the option of requesting that DPR rescind acceptance of the current stamp-accepted secondary container label. Registrants may submit their request in writing on company letterhead to their assigned Regulatory Scientist.

If a secondary container label is inconsistent with the DPR-approved label, DPR will consider the product misbranded. Misbranded products are subject to enforcement action.

If you have questions regarding this notice, please contact the Pesticide Registration Branch Ombudsman, Ms. Jolynn Mahmoudi-Haeri, at <Registration.Ombudsman@cdpr.ca.gov> or by telephone at 916-324-3545.

Original signed by Ann M. Prichard

Ann M. Prichard, Chief
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916-324-3931

November 1, 2017

Date

cc: Ms. Donna Marciano, DPR Enforcement Branch Chief
Ms. Jolynn Mahmoudi-Haeri, DPR Senior Environmental Scientist (Specialist)