

Pesticide Registration (PR) Notice 2009-X Draft: Pesticide Drift Labeling

PESTICIDE REGISTRATION (PR) NOTICE 2009-X

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

ATTENTION: Persons Responsible for the Registration of Pesticide Products

SUBJECT: Pesticide Drift Labeling

This Notice provides EPA guidance on revising pesticide labeling instructions concerning spray and dust drift (“pesticide drift”) to minimize drift and to protect people, other non-target organisms, and the environment from adverse effects that may be caused by off-target pesticide drift. A supporting guidance document entitled “Pesticide Drift Labeling Interpretation” explains how EPA intends for state and tribal pesticide regulatory agencies to interpret the recommended drift statements contained in this PR Notice. A second supporting document entitled “Draft PR Notice 2009-X: Additional Information and Questions for Commenters” contains background information on pesticide drift, a description of current and planned EPA actions to address drift, and a reader’s guide to this PR Notice, including a description of the key terms and concepts, explanatory rationales, and specific questions on which EPA is seeking input from stakeholders.

Specifically, this PR Notice discusses:

- Labeling statements that EPA recommends be included on certain pesticide products and the presentation of such statements on the labeling;
- What pesticide products and uses these recommendations pertain to; and,
- How and when applicants and registrants should revise their labeling.

This Notice is directed to applicants for registration and registrants of pesticide products that are labeled for use outdoors, including agricultural, commercial, and residential applications. Refer to Unit II for specific information on which types of products are addressed by this Notice.

Registrants of existing products can adopt the labeling statements in this Notice by notification or amendment, as appropriate (see Unit VI). However, the recommended labeling statements in this Notice are not intended to be used to replace existing, more stringent requirements on current product labeling. Registrants wishing to change more stringent language must submit an application for amendment (40 CFR 152.46).

Upon release of this Notice, EPA intends to consult this guidance during its registration process, including its reviews of new applications for registration, proposals for amended registration, and continued registration for existing products (including reregistration and registration review).

I. BACKGROUND

In its registration program under FIFRA Section 3, EPA must review and approve the labeling of each pesticide product before it is distributed or sold. To improve the consistency and clarity of pesticide labeling resulting from decisions about the labeling of individual products, EPA develops guidance concerning labeling of pesticide products.

To elicit recommendations from a broad range of stakeholders on how to address pesticide drift, EPA formed a workgroup of the Pesticide Program Dialogue Committee (PPDC, <http://www.epa.gov/oppfead1/cb/ppdc/>) in 2006. During a series of meetings between March 2006 and April 2007, the workgroup and EPA discussed a number of drift issues, including definitions, labeling, education of pesticide applicators, and their use of drift-reducing technologies. One of the workgroup's main recommendations to the Agency was to improve labeling for drift by issuing a new PR Notice. The workgroup's recommendations and conclusions appear in their final report of April 27, 2007. (<http://www.epa.gov/oppfead1/cb/ppdc/2007/may2007/session1-spraydrift.pdf>)

In addition, the Agency's regulatory partners, the state lead pesticide regulatory agencies (SLAs), have been actively engaged with the Agency in initiatives to improve labeling, and in particular, in discussions regarding how to improve labeling statements addressing pesticide drift. The SLAs have stated their belief that a need exists for states and pesticide applicators to have clear, protective, enforceable, and consistent labeling statements to address pesticide drift. Representatives of those SLAs participated in the development of this Notice.

This PR Notice provides guidance to pesticide applicants and registrants on recommended labeling statements addressing pesticide drift. EPA considered the concerns and recommendations of the PPDC workgroup, SLAs, and other stakeholders in developing these labeling statements. These statements are intended to provide clear, concise labeling for pesticide products. Based on stakeholder comments, the Agency believes that adoption of these statements on pesticide labeling as recommended in this PR Notice will allow pesticide users flexibility in continuing to provide effective pest control, and thereby enhance user compliance with pesticide drift labeling.

II. PESTICIDE PRODUCTS AND USES ADDRESSED IN THIS PR NOTICE

A. EPA intends to consult the guidance in this PR Notice with regard to any products identified by one or more of the following criteria:

1. Formulation type: The product is formulated such that upon application it may result in spray or dust drift, including solid formulations (dusts, granules, pellets, wettable powders, dry flowables or water dispersible granules, and soluble powders) and liquid formulations (liquid flowables, microencapsulates, emulsifiable concentrates, solutions, ready-to-use, and ultra low volume).
2. Application method: The product bears application instructions for a method that may result in spray or dust drift, including but not limited to, ground boom, airblast, aerial, spray chemigation, right-of-way sprayer, and handheld or backpack/knapsack equipment.
3. Use site: The product is labeled for use on any outdoor site, including but not limited to, use on agricultural crops, rights-of-way, forestry, turf, outdoor nurseries, or around industrial, public or residential sites, including both commercial and non-commercial use.

For the purposes of this PR Notice, EPA considers non-agricultural “commercial” application to include, but not be limited to, application to rights-of-way, golf courses, athletic fields, residential turf, landscapes, parks, grounds, lakes, reservoirs, ponds, and other similar sites, commonly (but not always) performed by applicators under contract.

Products intended for “non-commercial” application include, but are not be limited to, products with directions for use on residential lawns and gardens to be applied by the general consumer. These products are generally (but not always) sold in smaller size packages, in retail establishments such as hardware stores, lumber yards, and garden shops.

B. EPA does not intend to apply the guidance in this PR Notice to products of the following types:

1. Products labeled solely for indoor use;
2. Products labeled solely for use in fully-enclosed greenhouses;
3. Products labeled solely for animal treatments;
4. Products formulated as gels or baits;
5. Products labeled solely for direct application to people, such as skin-applied insect repellents;
6. Fumigant products;
7. Mosquito adulticide products labeled for wide-area application by ground or aerial equipment, such as Ultra Low Volume (ULV) sprays or fogs. However, the guidance does apply to home and garden use products which may list

mosquitoes on the label, and/or to coarse non-ULV sprays intended for residual treatment of vegetation or other surfaces.

For more information on how the Agency is addressing offsite movement of fumigant products, see http://www.epa.gov/pesticides/reregistration/soil_fumigants/.

For more information on how the Agency has addressed drift from mosquito adulticide products, see PR Notice 2005-1 http://www.epa.gov/PR_Notices/pr2005-1.pdf and the associated informational webpage http://www.epa.gov/PR_Notices/pr2005-1qa.htm.

III. PESTICIDE DRIFT

For the purposes of this Notice, EPA considers “pesticide spray and dust drift” to be the physical movement of pesticide droplets or particles through the air from the target site to any non-target site. Pesticide spray and dust drift occurs during application or soon thereafter. Under stable atmospheric conditions (such as a near-ground temperature inversion), drift can also occur after the application has been completed. Pesticide drift does not include the movement of pesticide caused by other types of migration such as windblown soil particles or volatilization from the application site after application.

This definition recognizes that drift can also result from products applied in dry forms, such as dusts or granular products that may include small particles or fine dusts.

IV. GENERAL DRIFT LABELING STATEMENTS

This section provides guidance on general drift labeling statements that EPA is recommending for all products as described in Unit II.A. Unit V discusses the types of statements that EPA will consider applying on a product-specific basis. A supporting guidance document entitled “Pesticide Drift Labeling Interpretation” explains how EPA intends for state and tribal pesticide regulatory agencies to interpret the recommended drift statements contained in this PR Notice. A second supporting document, “Draft PR Notice 2009-X: Additional Information and Questions for Commenters,” provides background information, explanatory rationales, characterizations of key terms, and questions for commenters.

This section divides the pesticide products identified in Subsection II.A into three broad groups for purposes of determining which general drift statement would be appropriate. The first group (Unit IV.A) consists of products subject to the Worker Protection Standard (WPS) regulations in 40 CFR parts 156 and 170. The second group (Unit IV.B) includes products that may be applied commercially. The third group (Unit IV.C) consists of products intended for use solely in non-commercial manner. In order to take into account the differences among these types of products in terms of labeling

already required on the products and in terms of the type of user, EPA recommends different general drift statements for each category of product.

A. Products that currently bear Worker Protection Standard (WPS) statements

EPA has previously required a general drift statement on products intended for agricultural crop, nursery, forestry and greenhouse uses through its WPS regulations. As a result, many products already bear the statement “Do not apply this product in a way that will contact workers or other persons, either directly **or through drift.**” [Emphasis added].

In addition to protecting workers and other people that may come into direct contact with pesticide drift

“Do not apply this product in a manner that will contact workers or other persons, either directly or through drift. In addition, do not apply this product in a manner that results in spray [or dust] drift that could cause an adverse effect to people or any other non-target organism or site.”

The statement should be modified to be specific to the form of the applied product (either spray or dust).

The statements should be located in the Directions for Use immediately following the misuse statement (“It is a violation of Federal law to use this product in a manner inconsistent with its labeling.”).

C. Products intended solely for non-commercial application

Products intended solely for non-commercial application, such as residential use on lawns and gardens, should add the following statements to the labeling:

“Do not apply this product in a way that could contact people, or that results in spray [or dust] drift that could cause harm to people, pets, property, aquatic life, wildlife, or wildlife habitat.”

The statement should be modified to be specific to the form of the applied product (either spray or dust).

The statements should be located in the Directions for Use immediately following the misuse statement (“It is a violation of Federal law to use this product in a manner inconsistent with its labeling.”).

V. PRODUCT-SPECIFIC DRIFT STATEMENTS

In addition to the general drift statements in Unit IV, the Agency believes that additional drift labeling referring to specific application parameters may be necessary to minimize pesticide drift and to protect against potential adverse effects. Additional labeling statements are appropriate for, and may be required for, any pesticide product, based upon EPA’s assessment of the pesticide’s

Products with specified product application restrictions intending to minimize drift or regarding drift should bear the following statement, immediately following the general drift statement and preceding the application restriction tables:

“Applicators must meet the standard set by the general drift statement, in addition to complying with following additional applicati

may provide applicators who use DRTs more flexibility to modify other application parameters (e.g., reduced buffer zone requirements). EPA believes that the labeling statements contained in this Notice may help to promote the future adoption of DRTs and thus result in less off-target pesticide drift.

Appendix A of this Notice contains a discussion of DRTs and examples of the recommended standard format of labeling statements for the product-specific application parameters that the Agency believes should be addressed for several common application methods, including ground boom (Example 1), aerial (Example 2), and airblast (Example 3).

The examples of a standard format for product-specific labeling statements are presented in table form for clarity. Adoption of these labeling statements in the manner presented in Appendix A will promote consistency in product labeling and user understanding. The tables do not include numerical values for application parameters. Numerical values will be determined on a chemical- and product-specific basis. Reference in the table to specific droplet size categories is *for example purposes only*. Droplet size ranges will be determined on a chemical- and product-specific basis.

EPA expects that applicants for new registration and registrants of existing products will use the guidance provided in Appendix A to develop product-specific drift reduction measures that may be considered by EPA as part of the registration or amended registration process.

VI. IMPLEMENTATION OF LABELING STATEMENTS

A. Applications for New Products

The guidance in this subunit (VI.A) will be considered both as to applications to register a new product that are pending at the time this PR Notice is released in final form and as to applications to register new products that are submitted in the future. In the case of a currently pending application, an applicant may, at any time, submit revised labeling to address labeling recommendations contained in this PR Notice. Such submissions do not result in a change to the PRIA fee for the application.

1. General drift statements

After the release of the final Notice, EPA recommends applicants for registration of new products addressed by this Notice as described in Unit II.A include the appropriate general drift statement in Unit IV as part of the proposed labeling for their product.

A summary of the process for including general drift labeling as part of an application for registration of a new product is provided in Table A.1.

Table A.1 Application for registration of new products: general drift statements

General statements			
	Products covered by the Worker Protection Standard (WPS)	Products not covered by the Worker Protection Standard (non-WPS)	
		Products that can be commercially applied	Products intended solely for non-commercial use by general consumers
Action to be taken	Add the general statement in Unit IV.A to product labeling.	Add the general statement in Unit IV.B to product labeling.	Add the general statement in Unit IV.C to product labeling.
Process	Application for new registration.		
Recommended timeframe for submission	Immediately after the release of the final Notice.		
Cost	PRIA fees for applications to register a new product would apply; a revision to the labeling submitted with a pending application would not result in an increased PRIA fee.		

2. Product-specific drift statements

EPA recommends that applicants for registration of new products refer to Appendix A and include the applicable tables and statements on product labeling. In doing so, applicants may propose values for the specified application parameters. In reviewing the application, EPA may determine that different product-specific drift parameters and/or values are needed. In such cases, the Agency would not register the product until the appropriate statements are added to the labeling.

A summary of the process for including product-specific drift labeling as part of an application for registration of a new product is provided in Table A.2.

Table A.2 Application for registration of new products: product-specific drift statements

Product-specific statements	
Action to be taken	Add the appropriate product-specific statements and values to product labeling, as described in Unit V and Appendix A.
Process	Application for new registration.
Recommended timeframe for submission	Immediately after the release of the final Notice.
Cost	PRIA fees for applications to register a new product would apply; a revision to the labeling submitted with a pending application would not result in an increased PRIA fee.

B. Registered products with no existing drift labeling statements

1. Adding general drift statements

EPA recommends that registrants of existing products addressed by this Notice as described in Unit II.A add the appropriate general drift statements in Unit IV to the labeling for their products within six (6) months from the date of release of this Notice.

Certain changes to labeling in response to this PR Notice may be made by notification to OPP without requiring prior approval. Under 40 CFR 152.46, OPP may issue procedures, following notice and comment, designating minor labeling changes that may be made by notification. Notice and comment on this specific labeling change is provided by release of a draft version of this PR Notice for comment. Specifically, the labeling change that may be made by notification is as follows:

What qualifies for a notification: Products with no existing drift statements (other than the WPS-required statement “Do not apply this product in a way that will contact workers or other persons, either directly or through drift.”).

Permitted labeling change: Adopting the exact wording of the appropriate general drift statements in Unit IV of this PR Notice.

Restrictions: No other revision to the labeling may be submitted simultaneously. Notification shall be submitted as provided in 40 CFR 152.46 and in accordance with the procedures in PR Notice 98-10 for each product registration being amended.

A summary of the process for adding general drift labeling to products with no existing drift labeling is provided in Table B.1.

Table B.1 Registered products with no existing drift labeling: general drift statements

General statements			
	Products covered by the Worker Protection Standard (WPS)	Products not covered by the Worker Protection Standard (non-WPS)	
		Products that can be commercially applied	Products intended solely for non-commercial use by general consumers
Action to be taken	Add the general statement in Unit IV.A to product labeling.	Add the general statement in Unit IV.B to product labeling.	Add the general statement in Unit IV.C to product labeling.
Process	Notification.		
Recommended timeframe for submission	Within six (6) months from the date of release of this Notice.		
Cost	None.		

2. Adding product-specific drift statements

EPA intends to assess the need for product-specific drift statements on a case-by-case basis. Product specific drift statements include, but are not limited to, restrictions on wind speed, application release height, spray droplet or particle size, and no-spray buffer zones around sensitive sites. EPA anticipates that, in most cases, the need for product-specific drift statements will be evaluated through the Agency's registration review program. If review indicates that current product labeling does not adequately address potential risks from drift and that additional or different drift mitigation is needed, EPA will require the addition of product-specific drift statements, as appropriate to address potential risks.

In addition to adding the general drift statement in the specified 6-month timeframe, for existing products that have no existing drift statements, and for which registrants would like to add product-specific drift statements prior to registration review, EPA recommends that registrants submit amendments proposing to add product-specific drift statements to product labeling, in the format provided in Appendix A.

A summary of the process for adding and formatting product-specific drift labeling to products with no existing drift labeling is provided in Table B.2.

Table B.2 Registered products with no existing drift labeling: product specific drift statements

Product-specific statements	
Action to be taken	Add the appropriate product-specific statements to product labeling, as described in Unit V and Appendix A.
Process	Application for amended registration.
Timeframe for submission	At the initiative of the registrant.
Cost	PRIA fees for application for amended registration if applicable.

C. Registered products with existing drift labeling statements

Registrants of products addressed by this Notice as described in Unit II.A that have existing drift labeling statements of any kind must submit all drift labeling changes through an application to amend their registrations, not through notification.

1. Modify existing general drift statements

EPA recommends that registrants of existing products addressed by this Notice as described in Unit II.A submit an application to amend their registrations to add the appropriate general drift statements in Unit IV to the labeling for their products within twelve (12) months from the date of release of this Notice. As part of their application to amend their registrations, registrants of products with existing drift statements should

remove any conflicting general drift statements from product labeling. EPA would consider a label containing contradictory or conflicting statements to be misbranded and not in compliance.

Registrants of products covered by the WPS **may not** include in their application a proposed labeling change that would alter or remove the WPS-required statement “Do not apply this product in a way that will contact workers or other persons, either directly or through drift.” (40 CFR Parts 156.206).

A summary of the process for adding general drift labeling to products with existing drift labeling is provided in Table C.1.

Table C.1 Registered products with existing drift labeling: general drift statements

General statements			
	Products covered by the Worker Protection Standard (WPS)	Products not covered by the Worker Protection Standard (WPS)	
		Products that can be commercially applied	Products intended solely for non-commercial use by general consumers
Actions to be taken	(1) Add the general statement in Unit IV.A to product labeling.	(1) Add the general statement in Unit IV.B to product labeling.	(1) Add the general statement in Unit IV.C to product labeling.
	(2) Remove any conflicting general drift statements from product labeling. <i>IMPORTANT NOTE: Registrants may not change or remove the WPS-required statement “Do not apply this product in a way that will contact workers or other persons, either directly or through drift.”</i>		
Process	Application for amended registration (Agency-initiated amendment).		
Recommended timeframe for submission	Within twelve (12) months from the date of release of the final Notice.		
Cost	None. PRIA fees do not apply for Agency-initiated amendments.		

2. Reformat existing product-specific drift statements

EPA intends to assess the need to revise the substance of product-specific drift statements on a case-by-case basis. EPA anticipates that, in most cases, the substance of product-specific drift statements will be evaluated through the Agency’s registration review program. Product specific drift statements include, but are not limited to, restrictions on wind speed, application release height, spray droplet or particle size, and no-spray buffer zones around sensitive sites. If review indicates that current product labeling does not adequately address potential risks from drift and that additional or different drift mitigation is needed, EPA will require the addition of product-specific drift statements, as appropriate to address potential risks.

Pending EPA’s case-by-case reviews of the need for new or revised product-specific drift statements, EPA encourages registrants to submit an application to amend their registrations to reformat existing product-specific drift statements according to the examples provided in Appendix A. Registrants of products that currently bear product-specific drift statements **may not** change or remove those statements without Agency approval (40 CFR 152.46).

A summary of the process for formatting product-specific drift labeling for products with existing drift labeling is provided in Table C.2.

Table C.2 Registered products with existing drift labeling: reformatting of existing product-specific drift statements

Reformatting of Existing Product-specific statements	
Action to be taken	Update any existing product-specific statements on product labeling in accordance with the guidance in Unit V and Appendix A. <i>IMPORTANT NOTE: Registrants of products that currently bear product-specific drift statements, including but not limited to restrictions on wind speed, application release height, spray droplet or particle size, or no-spray buffer zones around sensitive sites, may not reformat, change, or remove those statements without Agency approval (40 CFR 152.46).</i>
Process	Application for amended registration (Agency-initiated amendment).
Recommended timeframe for submission	Within twelve (12) months from the date of release of the final Notice.
Cost	None, provided that reformatting the labeling would not create a substantive change requiring Agency scientific review, in which case PRIA fees for application for amended registration could apply.

3. Adding or modifying product-specific drift statements

As noted above, EPA intends to assess the need to revise the substance of product-specific drift statements on a case-by-case basis. EPA anticipates that, in most cases, the substance of product-specific drift statements will be evaluated through the Agency’s registration review program. If EPA’s review indicates that current product labeling does not adequately address potential risks from drift and that additional or different drift mitigation is needed, EPA will require the addition of product-specific drift statements, as appropriate to address potential risks.

If a registrant, on his or her own initiative, would like to add or substantively modify existing product-specific drift statements, the registrant may submit an amendment proposing to add or modify product-specific drift statements to product labeling. Such amendment should follow the format provided in Appendix A.

A summary of the process for adding and substantively modifying product-specific drift labeling to products with existing drift labeling is provided in Table C.3.

Table C.3 Registered products with existing drift labeling: product specific drift statements

Additional or Modified Product-specific statements	
Action to be taken	Add or modify product-specific statements to product labeling, as described in Unit V and Appendix A.
Process	Application for amended registration.
Recommended timeframe for submission	At the initiative of the registrant.
Cost	PRIA fees for application for amended registration if applicable.

D. Specific Products Identified by EPA

In Appendix B EPA lists products that are going through product reregistration or registration review at the time of the final Notice. Registrants of these products may use either the processes described above, or they may use the product reregistration / registration review process to add the appropriate general drift statement and to reformat existing product-specific drift labeling statements.

VII. WHAT REGISTRANTS SHOULD DO

A. Evaluate the status of pending applications with respect to this Notice.

EPA intends to consult this guidance in reviewing drift labeling for pending applications for registration of a new pesticide product before making a determination on registration.

B. Evaluate the status of each existing product with respect to this Notice.

1. Does the product fall under one of the categories listed in Unit II.A (formulation type, application method, use site)? Refer to Unit II.
2. Does the product currently bear a WPS general drift statement? If yes, refer to Unit IV.A. If not, is the product intended for commercial use? If yes, refer to Unit IV. B. Otherwise, refer to Unit IV.C.
3. Does the product currently bear any drift statements? If yes, refer to Unit VI.C. Otherwise, refer to Unit. VI.B.
4. Is the product subject to, or currently undergoing registration review or product reregistration? Refer to Unit VI.D.

C. Determine whether submission of a notification is appropriate.

As established in this PR Notice, notification is appropriate for:

1. a currently registered product, and
2. there is **no** current pesticide drift language on the pesticide product labeling (other than the WPS statement), and
3. you only intend to add the appropriate general drift language.

Submit one copy of the labeling (with changes clearly marked in a way that can be photocopied) along with a completed application for Registration (EPA Form 8570-1). Unless you specify that you have made any other changes to the labeling, we will assume the **ONLY** label changes made are to incorporate the spray drift language. If OPP determines that other changes have been made to the labeling without written notice, we will consider referring such submission to the proper authorities under 18 USC 1001. Under 18 USC 1001, it is unlawful to willingly make false statements to the government. Lastly, if labeling changes through notification under this spray drift PR Notice are not consistent with the notification procedures established in this PR Notice and the requirements of 40 CFR Part 156, your product may be in violation of FIFRA and may be subject to enforcement action and penalties. The application form should bear the following statement:

“Notification of label change per PR Notice 2009-X. This notification is consistent with the guidance in PR Notice 2009-X and the requirements of EPA’s regulations at 40 CFR 156 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. 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 2009-X and the requirements of 40 CFR 156, 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.”

D. Determine whether to submit an application for amended registration to add general drift statement, and/or add or reformat existing product-specific drift statements.

Amendment

An amendment is appropriate for labeling changes that cannot be implemented via notification (40 CFR 152.46). An amendment would be required if:

- a. You currently have **no** language on your labeling referring to pesticide drift, and you want to add product specific pesticide drift language, or
- b. You currently have pesticide drift language, and you want add the appropriate general pesticide drift language and/or change product specific language.

Applicants should submit a completed Application for Registration (EPA Form 8570-1), together with four (4) copies of revised labeling clearly marked in a way that can be photocopied. Unless you specify that you have made any other changes to the label, we will assume the **ONLY** label changes made are to incorporate the spray drift language. If OPP determines that other changes have been made to the label without written notice, we will consider referring such submission to the proper authorities under 18 USC 1001. Under 18 USC 1001, it is unlawful to willingly make false statements to the government. If label changes through amendment under this spray drift PR Notice are not consistent with notification procedures establish in this PR Notice and the requirements of 40 CFR Part 156, your product may be in violation of FIFRA and may be subject to enforcement

The following official mailing address should be used for notifications (NOTIF-DRIFT) and amendments (AMEND-DRIFT) sent to OPP by U. S. mail. If the application is covered by PRIA fees, the appropriate application code is REGFEE, not AMEND.

Document Processing Desk (NOTIF-DRIFT or AMEND-DRIFT or REGFEE)
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 (NOTIF-DRIFT) and amendments (AMEND-DRIFT) that are hand carried or sent by courier service Monday through Friday, from 8:00 am to 4:30 pm, excluding Federal holidays. If the application is covered by PRIA fees, the appropriate application code is REGFEE, not AMEND.

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

IX. RECOMMENDED IMPLEMENTATION DATES

- A. Upon release of this final Notice, applicants for new registrations with pending applications are encouraged to resubmit labeling with the appropriate general and product-specific drift statements, prior to their PRIA deadline and as soon as possible after the release date of this final Notice.**
- B. If an application for registration of a new product is submitted after the release date of this final Notice, the labeling submitted needs to include the appropriate general and any product-specific drift statements.**
- C. Registrants with applicable products with no existing drift labeling statements should submit a notification to add the appropriate general drift statement. EPA requests that such notification be submitted within six (6) months of the date of the final Notice.**
- D. Registrants with products that contain existing drift labeling should submit an application for amended registration with the appropriate general and/or**

product-specific drift statements. EPA requests that such applications be submitted within twelve (12) months from the date of the final Notice.

E. Products released for shipment after notification or approval of an amendment must bear the approved statements when new labeling is printed, or twelve months following the label's approval, whichever is earlier (40 CFR 152.130(d)).

That is, a product with an approved amendment as of July 1, 2010, must bear revised labeling when released for shipment after July 1, 2011.

X. STATE/TRIBAL REGULATION OF DRIFT

Please note that various states' requirements should be taken into consideration when deciding on the timing of your amendment submission to EPA.

XI. SCOPE OF THIS NOTICE

This PR Notice provides general guidance to EPA and to affected parties. While the requirements in FIFRA and Agency regulations are binding on EPA and applicants, this Notice is not binding on EPA personnel, pesticide registrants and applicants, and the public. EPA may depart from the guidance where circumstances warrant and without prior Notice. This Notice does not limit EPA's authority under FIFRA to require additional mitigation measures, on a case-by case basis, when appropriate.

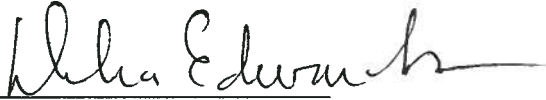
Where products might be such as to warrant alternate language, registrants and applicants may propose alternatives to the approach described in this Notice, and the Agency will assess them for appropriateness on a case-by-case basis and will respond in writing, if requested. EPA recommends that registrants who want to use alternate language contact the Agency to discuss whether the proposed language is appropriate.

Many states and tribes have their own regulations and policies for controlling drift, including requiring no-spray buffer zones for specific or all pesticides, allowing applications only during certain wind speeds, or prohibiting applications at certain times of day. This Notice should be interpreted in a manner that is fully consistent with any more stringent state regulations or tribal policies for controlling drift.

Additionally, 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.

XII. FOR FURTHER INFORMATION CONTACT

For further information about this Notice, contact Véronique LaCapra, Pesticide Re-evaluation Division, by telephone at 703-605-1525 or by e-mail at lacapra.veronique@epa.gov.

A handwritten signature in cursive script, appearing to read "Debra Edwards", written in black ink.

Debra Edwards, Ph. D.
Director
Office of Pesticide Programs

APPENDIX A. EXAMPLES OF PRODUCT-SPECIFIC STATEMENTS/TABLES

1. Drift reduction technologies

The recommended drift labeling format allows for the inclusion of mitigation measures beyond droplet size, wind speed, and release height for products when appropriate. The recommended format will also allow for the future incorporation of Drift Reduction Technologies (DRTs) on labeling. Once EPA has finalized a testing and verification system, the DRTs that have been tested and verified to reduce pesticide drift will be listed on EPA's website along with their rating. Registrants who choose to include the use of DRTs on their labels will be permitted only to refer to the use of DRTs of one or more rating categories. Reference on labeling to specific verified technologies by brand names or other identification will not be permitted. Product labels that include use of DRTs will allow applicators greater flexibility in how and when applications are made. For instance, DRT use may allow application at higher wind speeds or with smaller buffer zones to achieve equal or greater levels of drift management. DRTs will be rated using stars and may range from one star (*), up to four stars (****). DRTs with more stars reduce drift deposition relative to a reference spray system more than DRTs with fewer stars. For illustration purposes only the reduction of drift deposition associated with each star category is shown in the table below.

DRT star-rating	****	***	**	*
Deposition Reduction	90 to <95% [†]	75 to <90%	50 to <75%	25 to <50%

[†] Percentages included are examples for illustration purposes only.

2. Application parameter tables and text

Key application parameters should be specified in tables and text with a consistent format from product to product. The consistent format is expected to make mandatory application conditions clear and readily apparent. Although the format for the tables and placement of the text should be consistent across products, the numerical values in the tables will be specific to the product. The supporting text will contain required practices that should be largely consistent across products for each application method. The text below the tables describes commonly used techniques to manage pesticide drift.

A series of tables are provided in the next sections as examples of the format and supporting text. Although a buffer zone is shown in each of the tables, buffer zones will not be required on all products. The buffer zones are included in the example tables to demonstrate how they will be included for those products that require buffer zones. Also, mentions of specific droplet size are for example purposes only. Specified droplet size spectra, along with other values, would vary from product to product. DRT labeling is also presented in the tables for example purposes. Once a DRT verification system has been finalized by the Agency, the inclusion of DRT labeling language may be included on labels if registrants adopt verified DRT technologies.

Because acceptable application conditions for a given product can vary depending upon the application method, a separate table and text will be used for each application method on a product label. Parameter values will be determined on a chemical-specific and product-specific basis, as part of the risk assessment process.

In addition, products with specified product application restrictions must add the following statement to product labeling, immediately following the general drift statement and preceding the application restriction tables:

“Applicators must meet the standard set by the general drift statement, in addition to complying with the following additional application restrictions:”

a. Example for ground boom sprayer applications

Ground Boom Sprayer Drift Requirements:

Nozzle height, droplet size, wind speed, and buffer zones between application sites and specified sensitive areas must be consistent with the following table:

Wind Speed	Nozzle Height	Droplet Size (ASAE Standard 572)	Buffer Zone
Less than X mph	Up to A feet	Medium or coarser	D feet
	A to B feet	Coarse or coarser	E feet
	B to C feet	Very Coarse or coarser	F feet
X to Y mph	Up to A feet	Coarse or coarser	G feet
	A to B feet	Very Coarse or coarser	H feet
	B to C feet	Extremely Coarse or coarser	I feet
DRT *			J feet
DRT **			K feet
DRT *** or higher			L feet

The applicator must consider equipment speed, nozzle angle, and pressure in determining droplet size.

Do not apply when the wind speed exceeds **Y** miles per hour.

Do not apply with a nozzle height of greater than **C** feet above the ground or crop canopy.

Do not apply within the buffer zone distance of the following sites: **[specify sensitive site(s) of concern specific to product]**.

b. Example for aerial applications

Aerial Sprayer Drift Requirements:

Droplet size, wind speed, and buffer zones between application sites and specified sensitive areas must be consistent with the following table:

Wind Speed	Droplet Size (ASAE Standard 572)	Buffer Zone
Less than X mph	Fine or coarser	A feet

APPENDIX B. PRODUCTS THAT MAY EMPLOY THE REGISTRATION REVIEW AND PRODUCT REREGISTRATION PROCESSES TO ADD THE GENERAL DRIFT STATEMENT AND TO REFORMAT EXISTING PRODUCT-SPECIFIC DRIFT STATEMENTS

[This list will be added to the final PR Notice, based on the products that are undergoing review at the time of release of the PR Notice.]