Subjects of Interest

1. “A Division of,” “A Subsidiary of,” or “Doing Business As”
2. Designated Agents
3. Revising Status Sheets
4. The $100 Amendment Fee
5. Determining Substantially Similar
6. ATCC Numbers
7. Partial Brand Names
8. Two Products with the Same Brand Name
9. Dual Use Products
10. Label Refers to an Unregistered Product
11. Tank Mixes
12. The Term “New”
13. Fertilizers
14. Foreign Language Translations
15. Graphics and Symbols
16. Raw Materials
17. Colors/Fragrances/Dyes
18. Co-packs/Multi Packs
19. How is “Agricultural Use” defined in California?
21. Reviewing of Company Websites
22. Existing Stocks Policy
23. Claims on Cleaning Products
24. Revision, Addition or Deletion of Non-FIFRA Related Label Elements
25. Boots, Champagne and Tuxedo Wrappers, or Boxes
1. “A Division of,” “A Subsidiary of,” or “Doing Business As”

If a registrant identifies their company name as “a division of,” “a subsidiary of,” or “doing business as (DBA) another company,” this must be reflected in their name on record at both U.S. EPA and DPR. Therefore, the documents submitted to both agencies, must include the full company name as, “Company A, DBA Company B.”

If the company’s original name and the DBA is reflected on the product’s license at DPR, the company may use either or both company names on the product’s label. See U.S. EPA’s Frequently Asked Questions online for more information.

2. Designated Agents

If a registrant wishes to designate an agent or consultant to work with DPR on its behalf, they must submit a designated agent authorization letter to DPR. California Notices to Registrants 2009-5 outlines PRB’s current guidelines for this requirement.

Procedure for handling designated agent authorization letters

All letters shall be placed in a designated binder located in the Registration Resource Center (RRC). The Regulatory Scientist is responsible for placing the original letter in the appropriate bin located in the RRC, to be filed by RRC staff. The Regulatory Scientist is responsible for ensuring that the letters for their assigned companies are updated and correct.

This information can be found in the individual sections of Chapter 4.

If a letter to the registrant is generated, a copy of the letter must also go to the agent. At the bottom of the letter, add “cc: <NAME OF AGENT>, <AGENT’S COMPANY NAME> (w/ enclosure)

3. Revising Status Sheets

To correct a status sheet, including changing or adding a prefix (e.g., PE or SPE) or suffix, the RS must:

- Make the changes on the original status sheet
- Submit a photocopy with corrections highlighted, initialed, and
dated to the Intake Technician

Note: If data were submitted, submit a photocopy with corrections highlighted, initialed, and dated along with the data to Indexing. Indexing must formally index the data before it can be returned to the RS.

This information can be found in the processing instructions, found in the individual sections of Chapter 4.

---

4. The $100 Amendment Fee

A $100 application fee, regardless of whether the registrant submits data or the amendment is submitted into evaluation, must accompany label amendments that require the support of scientific data. This includes supplemental distributors who submit label amendments to include label language that has already been approved on the basic's California label, as well as additional brand name products.

This information is also found in Chapter 6, Part II (A)(3)(d).

---

5. Determining Substantially Similar

In order to be considered substantially similar, the RS must confirm that the proposed and previously approved product(s):

- Contain the same or a substantially similar percentage of active ingredient(s) or when calculated out, the amount of active ingredient(s) as applied is the same or substantially similar for all Contain same active ingredient(s)

- Contain the same labeled pest/site combinations

- Contain the same or substantially similar inert ingredient(s)

- Contain the same or a substantially similar percentage of each type(s) of inert ingredient(s)

- Bear the same label language with regard to signal word, human hazard and environmental precautionary statements, worker protection statements, storage and disposal, statement of use classification, first aid statement, etc.
• Bear the same or substantially similar method(s) of application.

• Claim to control the same or substantially similar pests or site/pest combination(s)

• Bear the same or substantially similar application rates and frequency and timing of applications for each pest or site/pest combination

If the RS cannot determine similarity between the product formulation sheets, they should consult with a chemist and/or toxicologist within the Department. If the RS cannot determine whether a plant pest is similar, they should consult with Plant Physiology. If the RS cannot determine whether a plant pathogen, nematode or insect pest is similar, they should consult with PDP. If the RS cannot determine whether a vertebrate pest is similar, they should consult with F&W. If the RS cannot determine whether a microbial pest is similar, they should consult with Microbiology.

This information can be found in the processing instructions, found in the individual sections of Chapter 4.

---

**6. ATCC Numbers**

**American Type Culture Collection (ATCC) numbers:** ATCC is a private, nonprofit biological resource center and research organization whose mission focuses on the acquisition, authentication, production, preservation, development and distribution of standard reference microorganisms, cell lines and other materials for research in the life sciences. In other words, ATCC obtains or produces different strains of microorganisms, cell lines, and other materials such as bacteria, assign them specific numbers (ATCC numbers), and sells them to researchers and other organizations.

ATCC numbers must appear in one of the following locations:

- On the data matrix provided to U.S. EPA
- On the master label (as optional text) with the listing of the organisms claimed
- As the final page of the master label (as optional text).

Thus, ATCC numbers are not required to appear on the final product label.

This information is also found in Chapter 4, Part VII (E).
7. Partial Brand Names

U.S. EPA and PRB allow use of a product’s partial brand name throughout the text of the label, provided the user would not confuse the partial name with another product, such as with a trademarked name. It is preferred that the registrant use “this product” if they wish to shorten the name, but it’s not required.

This information, along with reference links, can also be found in Chapter 2, Part VI (A) (1).

8. Two Products with the Same Brand Name

A registrant may not use the same brand name for two of its registered pesticide products. This includes:

1. Registrants that supplementally distribute products from different basic manufacturers (e.g., Company X supplementally distributes a 41% glyphosate product from basic manufacturer A and another almost identical 41% glyphosate product from basic manufacturer B)
2. Registrants assigned more than one company number (e.g., 1234 and 567 both issued to Company X)

Note: this does not apply to a registrant that registers both a master label and an end-use label for the same product. Since both products are registered under the same EPA Reg. No. and are considered the same product, the products may bear the same brand name.

Federal law does not prohibit two different registrants from using the same product brand name. California regulations allow two different registrants to use the same brand name, provided the products:

1. Are the same chemical composition; or

2. Do not have different physical conditions sufficient to affect their pesticidal properties

In other words, per 3 CCR 6152, two products registered in California to two different companies can have the same product name, as long as those two products are basically identical. This regulation applies to California master labels!

Acceptable – Two 41% glyphosate products of substantially similar formulation, registered by two different registrants under the same brand name
Acceptable – A basic manufacturer and their supplemental distributor register their products under the same brand name

Not acceptable – One 41% glyphosate product registered to Company A and one 20% glyphosate product registered to Company B, both registered under the same brand name

This information, along with reference links, can also be found in Chapter 2, Part VI (A) (1).

9. Dual Use Labels

See Chapter 2, Part VII (B)

10. Label Refers to an Unregistered Product

See Chapter 2, Part VII (C)

11. Tank Mixes

See Chapter 2, Part VII (D).

12. The Term “New”

See Chapter 2, Part VII (E).

13. Fertilizers

See Chapter 2, Part VII (F).
14. Foreign Language Translations

See Chapter 2, Part VII (G)

15. Graphics and Symbols

See Chapter 2, Part VII (H)

16. Raw Materials

See Chapter 2, Part VII (I)

17. Colors/Fragrances/Dyes

See Chapter 2, Part VII (J)

18. Multi Packs/Co-packs

See Chapter 2, Part VII (K)

19. “Agricultural Use” defined in California

Agricultural use is defined in the California Food and Agriculture Code, section 11408 and includes both production and non-production agriculture sites. See FAC 11408 for details.


If a pesticide product label bears the word “WARNING” as part of its Proposition 65 language, and that word conflicts with the human hazard signal word on the front of the
product label (e.g. Danger, Caution), the RS is to notify the company in writing that the Proposition 65 language on the label must be modified at the next label printing. Instead of the word “WARNING”, the registrant may use “ATTENTION”, “NOTICE”, or a term that matches with the human hazard signal word on the front of the label.

21. Review of Company Websites

When reviewing a proposed pesticide label, and if the RS identifies several labeling errors, the RS will in addition, see if the registrant references a website, on that label. If a website is referenced, the RS will review the registrant website, with regard to the particular product under review, to see if any additional labeling issues are present on the website. When returning the submission or contacting the registrant regarding label errors, the RS will also identify all website errors related to the product under review. If no label errors are found on the proposed label, the RS will not review the company website.

22. Existing Stocks Policy

Following California Notice to Registrants 2012-12, DPR will allow a registrant to continue to sell and distribute in California a U.S. EPA registered pesticide product bearing a previously DPR approved version of an amended product label, provided the sale is consistent with U.S. EPA existing stocks provision. DPR will allow the continued sale and distribution of the registrant’s previously U.S. EPA / DPR accepted label until the expiration date of the previous label set by the U.S. EPA which can be found on the next accepted label amendment.

In instances of California Only registrations (adjuvants and certain FIFRA 25(b) products), DPR will allow the company to sell and distribute products baring the previous label amendment for a time frame of one (1) year.

23. Claims on Cleaning Products

Following California Notice 2012-03, products with a labeling claim to clean, eliminate, and/or remove (or words meaning the same thing) “mold stains,” “mildew stains,” “algae stains,” “fungal stains” and/or stains from other non-public health organisms to be pesticidal. Such products do not require federal or state registration. Examples of claims that DPR does not consider to be pesticidal, include:

- Cleans or removes stains, and
• Cleans or removes stains from algae, mold and mildew, or other non-public health organisms.

Products that contain labeling claims to control or prevent (or words meaning the same thing) “mildew stains,” “algae stains,” “fungal stains” or stains from other organisms are considered pesticidal claims, and require registration.

24. Revision, Addition or Deletion of Non-FIFRA Related Label Elements

Pursuant to California Notice 2002-1, non-FIFRA label elements may be revised, added, or deleted through Notification. Included in the category are hang tags or stickers that the registrant wished to place on their product in addition to the actual product label (stickers may not be placed over the product label without prior permission from the Enforcement Branch). Examples include hang tags or stickers that make cleaning claims or non-FIFRA related marketing claims.

In all cases, the submission must include three copies of the current product label and three copies of the hang tag or sticker. Submissions that only contain copies of the hang tag or sticker, without the three copies of the product label, are considered incomplete.

If the registrant chooses to submit the non-FIFRA label element change as a label amendment, the submission must be accompanied by six copies of the current product label and six copies of the hang tag or sticker.

25. Boots, Champagne and Tuxedo Wrappers, or Boxes

See Chapter 2, Part VII (K)