



California Notice 2024-10

TO: Pesticide Registrants and Other Stakeholders
SUBJECT: CLARIFICATION ON “NOT REGISTERED FOR USE BY CA” AND
SIMILAR STATEMENTS ON PESTICIDE LABELS

The U.S. Environmental Protection Agency’s (U.S. EPA) and California Department of Pesticide Regulation (DPR) have made recent changes to policy on state-specific language on pesticide labels intended to reduce delays related to state-specific uses. Pesticides must be registered for sale and use with the U.S. EPA prior to California registration. DPR conducts a scientific evaluation in addition to U.S. EPA’s evaluation. During the evaluation process, DPR may determine there is not sufficient data to support registration of a specific use in California. In these instances, registrants may submit data to support the use or choose to revise their label to add a qualifying statement removing the specific use in California. Historically, registrants have revised their label by adding the statement “Not for Use in California.” The revision to the label must first be accepted by U.S. EPA before it can be accepted by DPR, often leading to delays in the registration process. This California Notice is intended to clarify options to expedite the addition of state-specific label statements based on recent guidance from U.S. EPA.

The U.S. EPA recently noted on their [Pesticide Labeling Questions & Answers](https://www.epa.gov/pesticide-labeling-questions-answers#non-notifications) <epa.gov/pesticide-labeling-questions-answers#non-notifications> Web site that certain state-specific statements can be added to the label without notifying or receiving acceptance from U.S. EPA (non-notification), if phrased in a specific way. Statements with language that reads “Not Registered for Use By (insert state),” “Not Registered for Use on XXXX (insert commodity) by XXXX (insert state),” or “Not Registered for Use by XXXX (insert state) For Use in XXXX Counties” may be added to the label without notifying U.S. EPA. U.S. EPA allows these statements as they are state-driven and not a use restriction. However, U.S. EPA considers statements phrased as “Not for Use in XXXX (insert state)” and “Not for Use in XXXX (insert counties and state)” as changes in the directions for use and requires registrants to add these statements through their label amendment process.

ADDING/REMOVING LABEL STATEMENTS OR QUALIFIERS THAT ARE SPECIFIC TO CALIFORNIA

Given this clarification by U.S. EPA, DPR will allow registrants to add certain California-specific statements to pesticide labels in a manner that qualifies as a non-notification with U.S. EPA whenever feasible. DPR will also allow registrants to add certain California-specific label statements to pesticide labels during the application review process to address certain evaluation program discrepancies.

If a registrant wants to remove a California-specific label statement or add the unsupported use site/pest back to the product label, this must be submitted through DPR’s amendment process and be accompanied by the required data or the registrant must reference data currently on file with DPR.

DPR'S PREFERRED FORMAT OF LABEL STATEMENTS OR QUALIFIERS THAT ARE SPECIFIC TO CALIFORNIA

Qualifier phrases or statements must be easily identifiable to the user and consistent throughout the label. A qualifier symbol must be repeated wherever the unsupported use site/pest appears throughout the label. The qualifier key with the full statement must be repeated at least once on every page where the unsupported use site/pest appears.

ADDING/REMOVING LABEL STATEMENTS OR QUALIFIERS THAT ARE SPECIFIC TO ANOTHER STATE

Pesticide labels that are registered for use and sale in California may have label statements or qualifiers that are specific to states other than California (e.g., Not registered for use by New York). Registrants may need to add or remove these types of statements from a California registered label. If formatted in a way described above that does not require notifying U.S. EPA (non-notification), DPR will also allow registrants to add or remove certain statements required by other states without notifying DPR (non-notification). Otherwise, the registrant will need to submit an amendment application to DPR to add/remove these label statements.

If you have questions, please email, or contact the Pesticide Registration Branch Ombudsman, at Registration.Ombudsman@cdpr.ca.gov.

Original signed by

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Date