

The Pesticide Registration Branch

Desk Manual Chapter 2

2013

California Department of Pesticide Regulation

General Label Requirements

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I. Introduction

This chapter addresses label requirements, labeling issues, and related material. A select portion of the information contained in this chapter was taken from the U.S. Environmental Protection Agency's [Label Review Manual](#).

II. General Information

A. Definition of a Label and Labeling

As defined in FIFRA, section 2(p)(1) - “The term “**label**” means the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers”

FIFRA, section 2(p)(2) - The term “**labeling**” means all labels and all other written, printed, or graphic matter - (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publications of the Environmental Protection Agency, the United States Department of Agriculture and Interior, the Department of Health and Human Services, State experiment stations, State agricultural colleges, and other similar Federal or State institutions or agencies authorized by law to conduct research in the field of pesticides.

B. Booklets that Accompany Container Labels

Registrants are allowed to provide part of the label text in the form of a booklet or other “pull off” type labeling, when it is not feasible or possible to literally “fit” the entire label on the container. “Securely attached” means the label can reasonably be expected to remain affixed during the foreseeable conditions and period of use.

The following label information must be on the label that is on or “securely attached” to the container, as well as the “pull off” labeling (does not include adjuvants):

- Name and address of the producer, registrant, or person for whom produced
- Restricted use statement (if required)
- Product name, brand or trademark

- Ingredient statement
- Signal word, including skull & crossbones, if either are required
- "Keep Out Of Reach Of Children" precautionary statements, including Hazards to Humans & Domestic Animals and Environmental Hazards
- EPA registration and establishment numbers
- Either directions for use or a referral statement to directions for use in booklet, if any
- Net weight or measure of contents

C. Collateral Labeling

Bulletins, leaflets, circulars, brochures, data sheets, flyers or other written, printed or graphic matter, which are referred to on the label or which are to accompany the product are referred to by the U.S. EPA as "collateral labeling." Such labeling is subject to applicable requirements of both federal and state laws and regulations. Collateral labeling may not bear claims or representations that substantially differ from those accepted in connection with registration of the product [FIFRA, section 12\(a\)\(1\)\(B\)](#). EPA must accept collateral labeling before it can be distributed. However, **such labeling does not require submission to DPR unless such items are specifically referenced in the text of the container label.** Such items shall be reviewed, attached to the label, and placed in the product file. **Such items should never be stamp accepted by DPR.**

D. Material Safety Data Sheets (MSDSs)

The Occupational Safety and Health Administration (OSHA) has direct authority over MSDSs. However, when a MSDS is distributed with a pesticide it becomes a part of the pesticide labeling under [FIFRA, section 2\(p\)\(2\)\(A\)](#). As described above, it becomes collateral labeling. A MSDS could render the pesticide misbranded if it includes warnings, precautions, or any other information that conflict with the FIFRA-approved label under [FIFRA, section 2\(q\)](#). If the MSDS is referenced in the text of the container label, the Regulatory Scientist must ensure that the MSDS is not inconsistent with the approved labeling.

Although an MSDS that accompanies a pesticide product is considered to be labeling, U.S. EPA required statements couldn't be placed solely on the MSDS instead of the label. **The MSDS should never be stamped-accepted.** However, if it

is referenced it should be reviewed, attached to the product file label, and placed in the product file.

III. Types of Labels and Labeling

A. Master Labels (ML)

A Master Label is defined by DPR as a pesticide product label bearing most or all U.S. EPA accepted uses for that product. However, the company does not intend to market that label for sale and use in California.

Note: As defined by U.S. EPA, the “master label” is the label that contains all of the approved uses for a given product and all associated required labeling. See U. S. EPA’s [Label Review Manual](#) and Chapter 4, Part N of this manual for more information on Master Labels.

B. End-Use Product Labels

An end-use product is defined in 40 CFR, Part 152.3 as, “A pesticide product whose labeling (1) Includes directions for use of the product (as distributed or sold, or after combination by the user with other substances) for controlling pests or defoliating, desiccating, or regulating the growth of plants, and (2) Does not state that the product may be used to manufacture or formulate other pesticide products. Such labels require all label statements as outlined in section VI (A through E as applicable) of this chapter.

C. Manufacturing Use Product (MUP or MP) Labels

A manufacturing use product is defined in 40 CFR, Part 152.3 as, “Any pesticide product that is not an end-use product. Such product labels will have very limited directions for use as they are to be formulated into end-use products. At a minimum, MUPs must contain the following under Directions for Use:

- “Directions For Use” heading
- Misuse statement
- The statement “For Formulation Into A [type of pesticide]” followed by a continued statement of the uses (crops/sites or other uses) for which the end-uses product (EP) may be registered and uses for experimental purposes that are in

compliance with FIFRA

- Any MUP registrants wishing to do so may add one of the following statements to an MUP label under “Direction for Use” to permit the reformulation of their product for a specific use or all additional uses supported by a formulator or user group:

“This product may be used to formulate products for specific use(s) not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).”

“This product may be used to formulate products for any additional uses not listed on the MP label if the formulator, user group, or grower has complied with U.S. EPA data submission requirements regarding the support of such use(s).”

So that the user is not confused, products meant for manufacturing processes cannot also have directions for use as an end use product, as the regulations states that manufacturing use products must not get into the hands of the public except after incorporation into divided products.

Note, in some cases an MUP may be labeled for specific end uses as well as for manufacturing uses; generally, such products tend to be industrial-use products which may either be reformulated into end-use products or incorporated into various materials to produce treated articles (e.g., wood preservatives, in-can paint preservatives, etc). End-use products may be used as an active ingredient source for other end-use products, but the label for such a source product may not include directions for use as a MUP and the label must bear the same sites as the end-use product formulated from it. Pesticide products used for manufacturing products that do not require registration (treated articles or substances, etc.) are considered to be end-use products. Labels for such source products must bear complete directions for use sections.

If a U.S. EPA Manufacturing Use Product is manufactured from raw materials within California, the product must be registered with DPR unless it is being manufactured solely for export outside of California. However, whether the MUP is sold in California or exported outside of California for formulation into an end use product, no mill assessment is required.

DPR does not require the registration of adjuvants that are solely for manufacturing or repacking into spray adjuvant end use products. If a spray adjuvant label includes **both** manufacturing/repacking and end use directions, registration is still required.

D. Sub-labels (Split labels)

Not to be confused with supplemental or subregisterant labeling, a “sub-label” or “split-label” is a label which bears claims and directions for only a portion of the approved U.S. EPA label but is a complete label itself, containing all of the required labeling elements and the same brand name. U.S. EPA regulations allow a registrant to distribute or sell a product as a "sub-label" or "split-label" provided that in limiting the uses identified on the label, no changes are made to the precautionary statements, use classification, or packaging of the product. Since there are no changes being made that would require submission of an amendment to the labeling, split-labels and sub-labels **do not require submission to U.S. EPA for review**. However, they are considered label amendments in California and must be submitted before they are sold, used, or distributed in this state. Such labeling should be reviewed, stamped-accepted, and placed in the product file, paper clipped to the currently registered end-use label. For more information, see [40 CFR, Part 152.130](#).

E. Supplemental Labeling

Supplemental labeling is a term that describes labeling which includes uses, use directions, or other instructions, that differ from or are a subset of those uses on the end-use label. These are partial labels to be distributed separately from the container label, and may be distributed by the registrant or licensed distributor. Since these are partial labels, they must bear a statement referring the user to the product label for complete directions and a statement that the labeling must be in the possession of the user. Both the product label and the supplemental labeling are required to be in possession of the user safely and effectively apply the product.

Supplemental labeling must be submitted to and approved by U.S. EPA before it can be approved in California with some exceptions. See internal Policy/Procedure 2008-1 for details.

At a minimum, U.S. EPA recommends that the following information appear on the label:

- Misuse statement
- The labeling must be in possession of the user at the time of application
- Read the label affixed to the container for Pesticide X before applying

- Use of pesticide X according to this labeling is subject to the use precautions and limitations imposed by the label affixed to the container for pesticide X
- Product name
- EPA registration number
- Restricted use statement (if required)

F. Supplemental Distributor Labels (Sub-Registrant)

Supplemental distributor labels are labels for products registered to one company, but distributed by another company (sometimes referred to as a “sub registrant”). These labels must be the same as that of the registered product except for the product name, company name and address of the company, registration number (EPA Reg. No. XXXX-XX-XXXX, where the third set of numbers refers to the distributor’s company number), establishment number, and claims may be deleted. See Chapter 4 of this manual for information on registering supplemental distributor products.

III. Final Printed Labels

Printer’s proof or final printed labels (or copies thereof) must be submitted to DPR as a condition of registration. Title 3, California Code of Regulations, section 6170 states, “The product labeling should be printer’s proof, final labels, or legible photocopies thereof. If typescript labels are submitted with the application, printer’s proof, final labels, or legible photocopies thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If a label is reduced before it is submitted to DPR, it must be legible and it is preferred that the company indicate the percent reduction. If it is not, the Regulatory Scientist should request additional copies from the company.

IV. Label Format

U.S. EPA provides guidelines for label formatting. However, exceptions are made at their discretion. Please see the [Label Review Manual](#) for details.

I. Label Requirements

A. Products that Require Federal Registration:

The following items must appear on the label of a product that requires federal registration:

1. Product Name

The product name, which may include a brand or trademark, appearing of the front panel of the label must be identical to the one on the application and license.

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 effect 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

**40 CFR
156.10**

**FAC
12821**

3 CCR [6152](#)

FAC [12851](#)

**40 CFR
156.10
[\(b\)\(2\)\(ii\)](#)**

**[U.S. EPA
Label
Review
Manual](#)**

**[U.S. EPA
Label
Consistency
Web
page](#)**

**40 CFR
152.132**

**[U.S. EPA
FAQ](#)**

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

Brand names must also read left to right, top to bottom with no text in-between (certain graphics, including small text considered to be a part of the graphic, may appear in-between the words of the product brand name and not be considered a part of the product brand name in certain cases).

California allows product brand names be comprised of a foreign wordings or spellings provided:

- DPR staff has the knowledge and the ability to translate the foreign language
- Once translated, the product brand name is not misleading or incorrect
- Any characters in the brand name could be typed into our current databases

U.S. EPA and PRB allow partial use of a product's 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.

A product name cannot include the name of only one or more active ingredients without including all active ingredients.

2. Company Name and Address

The company name and address given on the label are the name and address of the registrant or the manufacturer. If the registrant is not the producer, or if the name of the person for whom the pesticide was

FIFRA 2q

40 CFR
[156.10c](#)
[152.122](#)
[152.50](#)

FAC 12851
3 CCR 6239

produced appears on the label, it must be qualified by wording such as “Packed for __,” “Distributed by __,” “Manufactured for __,” or “Sold by __.” If there are two or more locations, the principal office may be on the label unless DPR requires the exact location for protection of the public. The street address must be included unless shown in a current city or telephone directory.

The address on the label may differ from the application form and the license.

The firm name and address on an application for registration, amendment, etc., and on DPR’s licenses must match the registrants address on file with the U.S. Environmental Protection Agency, with ONE exception: For legal reasons, if the registrant is from a foreign country (including Canada and Mexico), they must provide DPR with a U.S. address. If the foreign company does not have a U.S. address, they must designate an authorized agent that has a U.S. address, and DPR will consider that U.S. agent’s address as the ”address of record” for the foreign registrant. On the application form, the name of the foreign company will appear in the Firm Name line, but Mailing Address of the Firm line should read: c/o <NAME OF AGENT’S FIRM>, <ADDRESS OF AGENT’S FIRM>. That same combination will appear on the company’s license. The same rule applies to California only registrations.

The registrant may have the foreign company’s address on the label instead of the U.S. agent’s address, providing the application has the address of the designated U.S Agent for that company.

DPR issues all new product licensed and renewal applications directly to the registrant’s business address, not the address of the designated agent, with the sole exception described above. In the case of registrants without a U.S. address, DPR sends new product licenses and renewal applications to the address of the agent/consultant of record.

3. Ingredient Statement

Standard Format

The ingredient statement on the label must include the identity and percentage of each active ingredient and the total percentage of the inert ingredients.

FAC 12821
40 CFR
[156.10g](#)
[158.153](#)

The ingredient statement must be on the front panel unless the package size or form makes this impractical. The text of the statement must run parallel with, and be distinguishable from, other text on the same panel. If

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PR-Notice
91-2](#)

[FIFRA 2n](#)

there is an outside container or wrapper and the ingredient statement cannot be clearly read, the ingredient statement must also appear on the inside container or wrapper.

The percentages of ingredients must be stated in terms of percent by weight and must total 100%. All ingredient statements must be expressed as the nominal concentration. The nominal concentration is the amount expected to be present in the product by weight, should the product be tested. A range such as “22-25 percent” cannot be expressed as a percentage on the label.

Note: If the pesticide contains any form of arsenic, the percentages of total and water-soluble arsenic calculated as elemental arsenic must be on the label.

For Example:

ACTIVE INGREDIENTS

Name 1.....XX%
Name 2.....XX%

INERT INGREDIENTS (or Other Ingredients).....XX%
(Total).....100%

The terms “active ingredients” and “inert ingredients” must be in the same type size, aligned to the same margin, and equally prominent. Percentages are aligned by decimal. The term “inert ingredients” is not required for products containing 100% active ingredients. Registrants may use the term “Other Ingredients” in place of “Inert Ingredients.” The total percentage of active and inert ingredients must equal 100. However, regulations do not require that the total be expressed on the label (though omission of this statement is rare).

U.S. EPA requires that the name of each ingredient be the accepted common name, if there is one. If the common name is not well known, it should be followed by the chemical name. If there is no common name, only the chemical name is required.

If the rate of application of the product is expressed as weight of active ingredient per unit area, a statement of the weight of active ingredient per unit volume of the pesticide formulation must appear in the ingredient statement.

If the product is for internal administration to animals, the ingredient statement may be given in terms of dosage rather than percentage by

[U.S. EPA
PR Notice
97-6](#)

[Reg.
Branch
Memo of
1-23-98](#)

[40 CFR
156.10g](#)

[U.S. EPA
PR- Notice
97-5](#)

[Reg.
Branch
Memo of
12-15-97](#)

[FAC 12858](#)

weight.

Microbial Products

Products containing live organisms must indicate the equivalent number of viable units (spores, cells, colony forming units, etc.) per unit weight of product. *Bacillus thuringiensis* (B.t.) product active ingredient declaration is based on percent by weight of insecticidal toxin. See Chapter 4, Part D, of this manual for details on microbial product registrations.

**PR Notice
90-1**

**Reg.
Branch
P/P 2001-6**

For microbial products containing B.t. as the active ingredient, it is acceptable for the active ingredient statement to indicate all dried fermentation products, if the U.S. EPA has approved the product's label with this ingredient statement.

4. Human Hazard Signal Word (Danger, Warning, or Caution)

The signal word is required on the front panel of the label and is determined by the toxicity category of the product. Refer to 40 CFR, Part 156.64 for criteria of the four toxicity categories.

**3 CCR
6242**

**40 CFR
156.64**

The signal word is preferred in all capital letters:

Category I = **DANGER**
Category II = **WARNING**
Category III = **CAUTION**
Category IV = not required

If the product is a Category I pesticide because of its oral, inhalation, or dermal toxicity, the word “POISON” must appear in red on a contrasting background and skull and crossbones must appear in immediate proximity to the word “POISON.” This is in addition to the required signal word “DANGER.”

The appropriate Spanish language signal word is also required for all Category I or II products subject to Worker Protection Standards.

Category I = **PELIGRO**
Category II = **AVISO**

Unless the entire label is also in Spanish, the following referral statement is required, “Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle (If you do not understand the label, find someone to explain it to you in detail).”

The following table shows the minimum type size requirements for the human hazard signal word and child hazard warning. Use the hard copy template in the Appendix for comparison.

<u>Front Panel</u>	<u>Minimum Type Size Required</u>	
Size in Square Inches	Signal Words, All	"Keep Out of Reach of
5 and under	6 point	6 point
Above 5-10	10 point	6 point
Above 10-15	12 point	8 point
Above 15-30	14 point	10 point
Over 30	18 point	12 point

Over-labeling of the signal word is allowed only if approved by U.S. EPA. The term over-labeling refers to a signal word or a precautionary statement that is more restrictive than that required by 40 CFR, as explained in [40 CFR 156.64](#)

5. Child Hazard Warning (Keep Out of Reach of Children)

Every label must bear the statement "Keep Out of Reach of Children" on the front panel unless the product's contact with children is extremely remote such as for a manufacturing use only product as determined by U.S. EPA. The statement is not required if the product is registered for use on infants or small children.

**40 CFR
156.10i**

**40 CFR
156.66**

6. First Aid (Statement of Practical Treatment)

A first aid statement is required on all pesticide product labels that are toxicity Category I, II, or III due to oral, inhalation, or dermal toxicity, or are Category I or II for skin or eye irritation. This is required on the front panel for Category I products or elsewhere if approved by U.S. EPA. It is permissible to have referral statements such as, "See First Aid statement on Back Panel." The First Aid statements for products assigned to toxicity Category II or III may appear on any panel of the label.

**40 CFR
156.10i**

The label may describe how first aid measures may be modified for a diluted product. See 40 CFR, Part 156.68 for details.

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[40 CFR
156.70](#)

7. Precautionary Statements for Human and Domestic Animal Hazards

Precautionary statements indicating hazard to human and domestic animals must be stated under the general heading “Precautionary Statements” and under the subheading “Hazards to Humans and Domestic Animals.” These statements must be immediately preceded by the signal word.

Precautionary statements are based on results of the acute toxicity studies. In some cases, additional precautionary statements are allowed. See 40 CFR, Part 156.70 for details.

For fumigants, see U.S. EPA PR-Notice 84-5.

[40 CFR
156.85](#)

DPR memos:
9-9-93
3-10-92

8. Environmental Hazard Statements

Environmental hazards statements are required if a hazard to the environment, including non-target organisms, exists. These must be stated under the general heading “Precautionary Statements” and under the subheading “Environmental Hazards” as described in 40 CFR, Part 156.80. U.S. EPA’s Label Review Manual contains the statements that are required for various environmental hazards.

Generally, all products with directions for outdoor terrestrial uses should have the following statement:

“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 rinsate.

Products applied aerially to forests should precede the statement above with the phrase: “Except under the forest canopy.” If registered only for outdoor residential use, the product should have the statement, “Do not apply directly to water. Do not contaminate water when disposing of equipment wash waters or rinsate.”

With U.S. EPA approval, these and other precautionary statements may be modified somewhat if parts of the statement do not apply to the use pattern. For example, if registered only for terrestrial, forestry (except aerial), or domestic outdoor uses, the phrase “For terrestrial uses” may be omitted.

Other specific statements are required depending on the potential environmental impact, for example, ground water advisories, surface water advisories, and non-target organism statements. See the U.S. EPA Label Review Manual for details.

Note: U.S. EPA PR Notice 95-1 exempts certain products from bearing effluent discharge label statements. Labels need not be submitted for scientific evaluation if this exact wording is used:

“Note: For manufacturing use products and end use products that may be discharged to waters of the United States or municipal sewer systems, effluent discharge label requirements are in U.S. EPA's PR-Notice 95-1.”

If registered only for outdoor residential use, use the statement, “Do not apply directly to water.”

9. Physical and Chemical Hazard Statements

**40 CFR
156.78**

Physical and chemical hazard statements must be stated under the general heading “Precautionary Statements” and under the subheading “Physical or Chemical Hazards.”

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P/P 99-2**

These statements include the product's flammability, explosiveness, or other hazard features. See U.S. EPA's PR-Notice 98-6 for total release foggers.

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Chemicals that U.S. EPA recommends have specific statements for potential explosion hazard include, but are not limited to:

- Sulfur dust
- Carbon dust
- Potassium nitrate
- Sodium nitrate
- Potassium chlorate

10. Restricted Use Pesticide Statement

For federally restricted products, the statement "Restricted Use Pesticide" with a summary statement of the terms of restricted use must be at the top of the label's front panel. It must be the same minimum type size as the human hazard signal word. The term "Restricted Use Pesticide" must also appear directly under the heading of "Directions for Use."

California restricted materials can be found in 3 CCR, section 6400. They do not require specific labeling. California restricted materials are regulated through permits, not specific labeling requirements.

FIFRA 3a

**U.S. EPA PR
Notice 93-1**

**40 CFR
156.10j**

**Reg. Branch
Memos
1-25-93
6-25-93**

3 CCR 6400

11. U.S. EPA Registration Numbers

The U.S. EPA Registration Number must be set in type of a size and style similar to other print and must run parallel to it. These numbers appear in the following format on labels:

For basic manufacturers: EPA Reg. No. 00000-00000

For supplemental distributors: EPA Reg. No. 00000-00000-00000

The first set of digits is the company firm number. The second set of digits is the number assigned to the product. If a third set of digits is shown, this is the firm number assigned to the supplemental distributor.

U.S. EPA Registration Numbers are not assigned until the product has completed the registration process at U.S. EPA. Products submitted for concurrent review will receive a U.S. EPA Reg. No. once the federal registration process is complete. Labels cannot be stamped-accepted by DPR until the EPA Reg. No. is printed on them.

12. U.S. EPA Establishment Number

The U.S. EPA Establishment Number must appear on the label or the container. This identifies the location at which the product was produced. It must appear on the wrapper or outside container of the package if the immediate container label cannot be clearly read.

FIFRA 2(dd)

**FIFRA 7
40 CFR
156.10f**

The first set of digits is the number assigned by U.S. EPA to the firm. The middle letters indicate the state or, if outside the U.S., the country in which the establishment is located. The last number is the number

assigned to the establishment. More than one EPA Est. No. may appear on a label, but only one is indicated as applicable to that specific container.

For example: EPA Est. 0000-WIS-0000.

Note: Registrants may revise the U.S. EPA Establishment Number(s) on their labels without contacting DPR. This is considered a non-notification action in California.

13. Directions for Use

**40 CFR
156.10e**

Directions for use must be stated in terms easily read and understood by the person likely to use or to supervise use of the pesticide.

The directions for use must include:

- Site of application such as crops, animals, areas, or objects to be treated
- Target pests for each site. If a pest is listed on the label, directions for use must be included for that pest.
- Dosage rate for each site and pest
- Method of application
- Dilution instructions (when applicable)
- Frequency and timing of applications (including pre-harvest intervals and PHI when applicable)
- Reentry intervals (when applicable). See more complete section on Worker Protection Standards (WPS) later in this chapter.

Labels with agricultural, nursery, golf courses, sod farms, or greenhouse use must comply with [PR Notice 87-1](#) and include the statement "Do not apply this product through any type of irrigation system." **This notice does not apply to adjuvants, as they are not considered pesticides under federal law.**

Note: It is unacceptable to list only metric units.

Manufacturing-use only labels (products used only in the manufacture of

other end-use products) generally will not have detailed directions for use.

14. Storage and Disposal Statements

Labels for pesticide products are required to bear instructions for the storage and disposal of pesticides and pesticide containers. Further information can be found in 40 CFR, Part 156.10(i)(2)(ix). Storage and disposal instructions cover the appropriate storage of the pesticide product, disposal of any unused pesticide product or any rinse liquids resulting from cleaning of pesticide application equipment, and the disposal of the pesticide container. See also U.S. EPA PR Notice 2007-1 and 2007-4.

The storage and disposal instructions must appear grouped together, preferably blocked, within the Directions for Use section, and under the subheading "Storage and Disposal" (see 40 CFR, Part 156.10 (i)(2)(ix)). It is preferred that the storage and disposal instructions appear at the end of the Direction for Use section. This placement eliminates the break between the heading "Directions for Use" and the body of the use directions. Where the Directions for Use are contained in a label booklet, at a minimum, the container storage and disposal instructions should appear at the end of the Directions for Use on the container label. In addition, the disposal instructions should be included in any referral statement on the label, e.g., "Refer to booklet for directions for use, and storage and disposal instructions."¹

¹ U.S. EPA Label Review Manual

[U.S. EPA
Label Review
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[FIFRA 19](#)

[3 CCR 6686](#)

[U.S EPA
Notice
2007-1,
2007-4](#)

15. Net Weight or Measure of Contents

The contents must be stated in the largest suitable units. Standard weights and volumes must be used; metric measurements may be added. As noted above, it is unacceptable to list only metric units.

Dry formulations are expressed as pounds or ounces, liquids as gallons or fluid ounces, and pressurized products as avoirdupois pounds and ounces.

[40 CFR
156.10d](#)

16. Worker Protection Standard (WPS)

Worker Protection Standard statements are required on the label of all agricultural use products. WPS guidelines can be found in 40 CFR, Part 156.200 and Part 170.

40 CFR
156.200

40 CFR
170

Registrants may “split” a label and separate the non-agricultural uses so that the WPS statements are not required on the non-agricultural portion of the label. Instructions can be found in U.S. EPA [PR-Notice 93-11](#).

See section under Human Hazard Signal Word above (#4) for information on required Spanish language WPS statements.

17. Warranty or Liability Statement (optional)

Pesticide product labels may contain warranty or liability statements. The statement cannot be false or misleading and cannot detract from or negate other label statements.

FAC
12853
12854

The label cannot contain limitations of warranty by the seller that exclude or waive the implied warranty that the pesticide corresponds to all claims and descriptions the registrant made in print. No limitations of warranty by the seller shall exclude or waive the implied warranty that the pesticide is reasonably fit for use for any intended purpose according to printed statement by the registrant.

The label, including Special Local Need, FIFRA, section 24(c) labels, cannot require a signature waiver of liability by the buyer or user.

The label cannot include unacceptable statements. Examples of include, “A waiver of liability statement must be agreed to in writing as a condition of sale or use,” or “This product when used as instructed on the label may result in poor pest control, crop injury, or illegal residues.” See California Notice 2004-3 for examples of unacceptable and acceptable warranty and liability label statements.

CA Notice
2004-3

B. Adjuvants

It should be noted that Title 3, Article 10, California Code of Regulations provides limited authority for those items that must be identified on product labeling in California. Because adjuvants are not covered under the labeling requirements of 40 CFR, Part 156.10, only those items below are required for adjuvant labeling. However, DPR has the authority (FAC 11501 and 12824) to require additional label

language if it is determined that the omission of such label statements would pose a hazard to humans or the environment.

1. Name, Brand, or Trademark of the Pesticide

The product name, which may include a brand or trademark, appearing of the front panel of the label must be identical to the one on the application and license. California regulations allow a pesticide to be registered under more than one brand name. However, the same brand name cannot be registered for products (within the same company) of different chemical composition or different physical condition sufficient to affect the pesticidal properties.

FAC [12821](#)

FAC [12851](#)

3 CCR [6235](#)

3 CCR [6152](#)

California allows product brand names be comprised of a foreign wordings or spellings provided:

- DPR staff has the knowledge and the ability to translate the foreign language
- Once translated, the product brand name is no misleading or incorrect
- Any characters in the brand name could be typed into our current databases

2. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant

The company name and address given on the label are the name and address of the registrant or the manufacturer. If the registrant is not the producer, or if the name of the person for whom the pesticide was produced appears on the label, it must be qualified by wording such as "Packed for __," "Distributed by __," "Manufactured for __" or "Sold by __." If there are two or more locations, the principal office may be on the label unless DPR requires the exact location for protection of the public. The street address must be included unless shown in a current city or telephone directory.

FAC [12851](#)

3 CCR [6239](#)

The address on the label may differ from the application form and the license.

3. Ingredient Statement

The expression "Principal Functioning Agents" is normally used in lieu

**FAC
[12883](#)**

of “Active Ingredients” for spray adjuvants.

The following format may be used for spray adjuvants:

PRINCIPAL FUNCTIONING AGENTS

Name1.....XX%
Name2.....XX%
Name3.....XX%

**CONSTITUENTS INEFFECTIVE AS A
SPRAY ADJUVANT.....XX%**

**FAC
12885**

Note: If more than three functioning agents are present, only three principal functioning agents need be named.

4. Warning or Caution Statements

3 CCR 6242

Warning or caution statements must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in non-technical language, the particular hazard involved in the use of the pesticide. For example, ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid the accident, injury, or damage.

All adjuvant labels should include the statement, “Keep out of reach of children,” and a signal word such as (unless otherwise noted by the Director):

- **DANGER**
- **WARNING**
- **CAUTION**

These items must appear on the front panel or that part of the label displayed under customary conditions of purchase. However, the director may permit reasonable variations on the placement of that part of the required warnings and cautions other than the statement, “Keep out of reach of children,” and the required signal word, if the variation would not be injurious to the public. For further detail, please see 3 CCR, section 6242.

Highly toxic pesticides must bear the signal word “DANGER” along with the word “Poison” in red on contrasting background in immediate proximity to the skull and crossbones, and an antidote statement

including directions to call a physician immediately on the front panel or that part of the label displayed under customary conditions of purchase.

The appropriate Spanish language signal word is also required for all Category I or II products subject to Worker Protection Standards.

Category I = PELIGRO
Category II = AVISO

Unless the entire label is also in Spanish, the following referral statement is required, “Si Usted no entiende la etiqueta, busque a alguien para que se la explique a Usted en detalle (If you do not understand the label, find someone to explain it to you in detail).”

5. Spray Adjuvants Solely for Manufacturing Use

DPR does not require the registration of adjuvants that are solely for manufacturing or repacking into spray adjuvant end use products.

If a spray adjuvant label includes **both** manufacturing/repacking and end use directions, registration is still required.

C. Experimental Use Permit Products (EUP)

The label requirements for an Experimental Use Permit product are identical to that of a conventional product registration. For detailed information on EUPs, please see Chapter 4, Part J of this manual.

D. Structural Devices

Structural device labels must contain the following items:

- Printed directions for use on the label. If the directions for use are not on the label, they must be enclosed with the device.
- The name, brand, or trademark, if any, under which the device will be sold
- The name and address of the device manufacturer, dealer,

FAC [15325](#)

importer, or vender

- Any necessary safety precautionary statement associated with the use of the device

The label may also contain a warranty statement, provided it does not exclude or waive the following:

- The device corresponds to all claims and descriptions that the registrant has made in print regarding the device
- The device is reasonably fit for use for any purpose for which it is intended according to any printed statement of the registrant

**FAC [15305](#),
[15315](#)**

FAC [15326](#)

E. FIFRA Section 25(b) Exempt Products

Products that do not require U.S. EPA or CA registration

The following items are **required** on product labels that are exempt from U. S. EPA and DPR registration:

- All active ingredients must be identified by name and percentage
- All inert ingredients must be identified by name, but not percentage
- All ingredients must add up to 100%
- In addition, certain active ingredients require additional precautionary language be added to the label

The product **must not** bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.

The product **must not** include any false and misleading labeling statements, including those listed in 40 CFR, Part 156.10(a)(5)(i) through (viii).

Products that do not require federal registration but do require registration in California

If a product qualifies for exemption under FIFRA, section 25(b) but does not qualify for exemption pursuant to 3 CCR, section 6147, the product requires registration in California and is subject to the labeling requirements as listed above for adjuvant products. Please see Chapter 4, Part O of this manual for more information on labeling requirements and processing FIFRA, section 25(b) product applications.

VII. Other Areas of Label Clarification

The following statements are unique to certain products and have special instructions for processing:

A. Home Use

Home use is defined as use in a household or its immediate environment and may include application in, on, or around all structures, vehicles, gardens, or areas associated with a household ([3 CCR, section 6000](#)). A householder is a person who uses a pesticide either outside or inside a residential dwelling on property owned, leased, or rented by that person.

All words, statements, graphics, designs, and other information required on the labels must be clearly legible to a person with normal vision. They must be expressed in terms likely to be read and understood by the householder under customary conditions of purchase and use.

Some labels contain rates of application and dilution rates that are unsuitable for home and garden use. Labels that contain commercial grower's terminology are unfamiliar to the householder and are unsuitable.

The following dilution rates, application rates, and use directions are appropriate for home or household use:

- Rates per square feet/cubic feet
- Spray for complete plant coverage including undersides of leaves
- Wet plants to point of run-off (dripping point)

- Dilution rates using appropriate volumes such as 1 to 10 gallons of water
- Technical terms if they are defined in lay person's language
- Directions to contact the County Agricultural Extension office for preventative spray schedules and timing of applications

The following dilution rates, application rates, and use directions are inappropriate for home or household use:

- Rates per acre
- Dilution rates using large volumes such as 100 gallons of water
- Directions to make a % solution unless the label contains instructions to use a specified amount of water or other diluent
- Terms such as cover spray, delayed dormant, early green bud, buckshot, pre-ping, popcorn stage, shuck split, shuck fall, etc. unless they are defined on the label
- Use of specialized equipment (except for swimming pool chemical metering devices)
- Storage and disposal statements such as "triple rinse"

Registration will be denied if the label terms, statements, graphics, designs, etc. are not likely to be understood by the average householder.

B. Dual Use Labels

Retailers not licensed as pesticide dealers cannot sell agricultural use products. Products labeled for both home and agricultural use are considered dual use labels. The Regulatory Scientist may wish to inform the registrant that a dual use product can only be sold by a licensed agricultural pest control dealer.

**CA Notice 91-2
91-9**

**CA Memo
3-20-91**

The following examples of agricultural use statements are from California Notice 91-9 (not available on-line):

- Use an air blast sprayer
- Keep agitation pumps running
- Apply by air
- Directions with rates per acre or dilution rates using large volumes of water such as 100 gallons
- Greenhouse directions in 1,000 square foot units
- Use on turf areas such as residential lawns, parks, and golf courses

**CA Memo
12-12-96**

If the statement, “For household use only” is on the label, and the directions for use are appropriate to household use, the product is not considered dual use.

C. Label Refers to an Unregistered Product

Registered product labeling that references unregistered products is allowable as long as the language is permissive rather than mandatory.

**CA Memo
12-12-96**

Registration will be denied if the label requires use of the unregistered product, or if the proposed product is not effective without use of the unregistered product. The Regulatory Scientist may notify the registrant that it is illegal to use or sell the unregistered product in California.

D. Tank Mixes

DPR will accept U.S. EPA approved tank mix label claims without supporting compatibility and residue data if the following conditions are met (meeting these conditions are the responsibility of the company, not the RS reviewing the package):

- The pesticide product to be mixed with the product that is the subject of the application, does not contain a label

**U.S. EPA
PR Notice
82-1**

**CA Notice
87-1**

prohibition against such mixing

- The label contains the following statement:

“This product can be mixed with (chemical name, including percentage of active ingredient and type of formulation, or specific product name, or both) for use on (crop/sites) in accordance with the more (most) restrictive of label limitations and precautions. No label dosage rates should be exceeded. This product cannot be mixed with any product containing a label prohibition against such mixing. Where a specific product name is recommended for the tank mix, the label statements shall be more explicit, including such information as specific dilution and dosage rates.”

CA Memo
12-12-96

It is acceptable for a label to mention an unregistered product in a tank mix, provided:

- The statements are permissive rather than mandatory and,
- The product is effective without the unregistered product and,
- Use of the unregistered product is not required by the label

Since adjuvants are used in conjunction with other pesticide products, it is common to find tank mix instructions on adjuvant labels. DPR does not require compatibility data to support label instructions for tank mixes on adjuvant labels. If the company has knowledge of a compatibility issue, it is their responsibility to provide appropriate label language. DPR does not assume liability for tank mix compatibility complications.

Note: The Regulatory Scientist may notify the registrant that it is illegal to sell or use the unregistered product in California.

E. The Term “New”

Registrants should be encouraged to only use the term “new” or “improved” on their label for six months after registration. A subregistrant/distributor should not use the term unless the basic registrant has the term on their label and only for the same duration. Products that claim “new” or “improved” must be new products or

CA Memo
5-28-93

40 CFR
156.10(a)(5)

the company must submit a formula revision to substantiate the claim.

F. Fertilizer Claims

Reg Branch
P/P 2006-1

The California Department of Food and Agriculture (CDFA) regulates fertilizers. In the past, DPR worked in conjunction with CDFA to ensure that companies submitted pesticide/fertilizer product labels to both Departments. This was accomplished by both agencies submitting copies of pesticide/fertilizer labels to one another. This practice has been discontinued. A statement reminding the company to submit their pesticide/fertilizer label to CDFA has been added to our licensing letters where applicable.

G. Foreign Language Translation

Reg Branch
P/P 2007-2

Pesticide labels may contain foreign language statements and translations. Registrants may be required to have limited Spanish translation, such as for Category I and II products or for Worker Protection Standard (WPS) as indicated below. For other products, registrants may choose to translate the label, usually into Spanish. U.S. EPA does not require notification for the addition of such statements. This is allowed per U.S. EPA PR-Notice 98-10 and 40 CFR, part 156. Refer to the Pesticide Registration Branch Policy/Procedure Notice 2007-2 for instructions on processing a foreign language translation submission.

H. Graphics and Symbols

Graphics or symbols in addition to written text are permitted on pesticide product labels if they are accompanied by explanatory text, are clear in their meaning to the reader, do not obscure or crowd required label language, do not misbrand the product, and are not false and misleading. Symbols may not be used in place of required text. The regulations in 40 CFR, Part 156.10(a)(5) provide examples of statements and representations that are false and misleading; see also FIFRA, section 2(q)(1)(A) which provides that a pesticide is misbranded if its labeling bears “false and misleading” designs or graphic representations.¹

¹ [U.S. EPA Label Review Manual](#)

I. Raw Materials

If a raw material is registered with U.S. EPA as a pesticide, then it must be registered in California before being delivered or sold into California for use in the formulation of any pesticide (Manufacturing Use Product or End Use Product) within the state.

J. Submission of Multiple Container Sizes, Colors, or Fragrances under a Single Registration

1. Multiple Container Sizes

Most pesticide products are sold in more than one container size. If the label language varies because of differing requirements for the different container sizes (e.g. precautionary or storage and disposal statements), the registrant is required to submit labels for only one of the sizes representing each label that has different language. For example, a product may be sold in 2, 5, 10, and 50-pound bags, 0.5, 1.0, and 2.0-ounce tubes (flea and tick products), or 5, 10, and 20-fluid ounce containers. In the case of the bags, the label language may be identical for the 2 and 5-pound bag, but the 5 and 50-pound bags require different disposal or precautionary statements. A company must submit 6 copies printer's proof, final printed labels, or copies thereof for each representative size with differing label language, that is, either the 5 or 50-pound bag.

Alternatively, a company may submit a label with multiple container sizes as long as the label reflects any types of sizing label requirements (e.g. Storage and Disposal statements).

2. Additional Colors and Fragrances

Many boat paints and home use products are sold in different colors and fragrances. A company must submit 6 copies printer's proof, final printed labels, or copies thereof for each representative color and/or fragrance. They must also submit a separate confidential statement of formula or product formulation sheet for each color and fragrance, since each color and fragrance will have minor differences in the inert ingredients.

In both cases, these labels require review and approval by the RS assigned to the company, and a fee is required for the additional labels even though the size, color, or fragrance is not considered part of the brand name. Once reviewed and approved, each representative size, color or fragrance and its respective formulation sheet(s) must be placed in the appropriate product file. In addition, the RS is responsible for producing additional copies of the CSF/product formulation sheet(s) for each

additional brand name product file. Additional labels should be submitted for each size, color or fragrance sold under each respective additional brand name and placed in those file accordingly.

For antimicrobial products, a fragrance change, and occasionally a color change, may trigger evaluation by the microbiologist; the \$25 amendment fee would then be required and the submission would be routed to microbiology.

If the size, color, or brand name is included as part of the brand name, the submission is considered an additional brand name and must be registered as a separate product per FAC section 12821. An application and registration fee are required. See Chapter 7 for information on registering an additional brand name.

K. Co-Packs/Multi Packs

California does not have a law or regulation that addresses multi packs or co-packs. Please refer to the following guidance found in U.S. EPA's Label Review Manual Chapter 18:

40 CFR requires that the product label either be visible through any packaging or replicated on the outside wrapper. "DPR does not require submission of outside wrappers such as boots, champagne wrappers, tuxedo wrappers, or boxes. However, you (the registrant) must assure that the full product label is either visible through any packaging or exactly replicated on the outside wrapper. If your product is found in the field with an outside wrapper that is not identical to the approved product label, it would be a violation."

If the registrant states that they wish to make a change to the wording on the outside wrapper, that means it will no longer be identical to the approved pesticide product label, they must submit and obtain approval from DPR (and USEPA if appropriate) for the change on their container label, before placing the language on the outside wrapper.

1. A Registered Pesticide Packaged with a Non-Pesticide

A registered pesticide product, in one container, may be packaged with a non-pesticide component, in a separate container. These two containers, combined in one package, may be sold as a single unit, only if the non-pesticide component is referred to in the registered product's directions for use.

The two containers are distributed and sold as a single retail unit, and together comprise the pesticide product. If the two components are bound together with a shrink-wrap sleeve or in a box, the full label of the pesticide component must be visible through the wrapping, or the label must be duplicated and attached to, or printed on, the outermost container.

U.S. EPA has jurisdiction over packaging and labeling of non-pesticide products that are sold as part of a multi-pack/co-pack. Therefore, the non-pesticide product packaging/labeling sold as part of the multi pack/co-pack must be reviewed and approved by U.S. EPA before it can be released for shipment. The reviewer examines the non-pesticide labeling to determine whether it contains any language that conflicts with the pesticide label, but does not stamp-accept the non-pesticide label.

2. Two or More Pesticides Packaged Together

Two or more pesticide products may be packaged in separate containers but sold together as a single unit. The user may be instructed on the label to tank mix the packaged products prior to application.

Each container must bear, or be accompanied by, full labeling and the full labels of both containers must be visible. If the outermost packaging obscures any part of the product labels, the full labels must be duplicated and attached to the outermost container. See [40 CFR 156.10\(a\)\(4\)\(i\)](#).

It is advised that in either case above, the registrant contact U.S. EPA to ensure compliance.