

AD/DfE Pilot: Moving Toward the Green End of the Pesticide Spectrum

One of the more frequent questions the public asks of EPA's Pesticide Program involves recommendations for products that are more toward the green end of the pesticide spectrum. Consistent with federal law, the Agency's traditional response to these queries has only been to remind consumers to read the label. But, since September 2008, EPA has been working with the Pesticide Program Dialogue Committee to develop an easy-to-identify means for consumers to answer that question at the point of purchase. Modeled after EPA's Design for the Environment (DfE) Program, the 36-month Design for the Environment Antimicrobial Pesticide Pilot Project will allow the use of a DfE logo on qualifying antimicrobial pesticide labels.

What the DfE Logo Means on Antimicrobial Product Labels

By their very nature, most pesticides have the potential to pose hazards to human health or the environment. This is particularly the case if the label instructions are not followed precisely. Because of this, EPA cannot say that *any* registered pesticide is safe under *all* circumstances. However, if you see the DfE logo on an EPA-authorized antimicrobial pesticide label, you can be assured that the product:

1. is in the least-hazardous classes (i.e. III and IV) of EPA's acute toxicity category hierarchy;
2. is unlikely to have carcinogenic or endocrine disruptor properties;
3. is unlikely to cause developmental, reproductive, mutagenic, or neurotoxicity issues;
4. has no outstanding "conditional registration" data issues;
5. mixtures, including inert ingredients, have been reviewed and are accepted by EPA;
6. does not require the use of Agency-mandated personal protective equipment;
7. has no unresolved or unreasonable adverse effects reported;
8. has no unresolved efficacy failures (associated with the Antimicrobial Testing Program or otherwise);
9. has been reviewed for any enforcement related issues, both Federal and State; and
10. has the identical formulation as the one identified in the DfE application reviewed by EPA.

Authorized Use of the DfE Logo

Antimicrobial pesticides that meet the requirements for including the DfE logo on the product label are only authorized to display the logo and the Office of Pesticide Programs website. No other claims, terms, words, or images implying safety are allowed unless expressly authorized by EPA. If you see a pesticide product that appears not to comply with this authorized use, please contact the EPA Regional Office in your area to report potentially illegal products.

Legal Questions Concerning the Pilot

The Office of General Counsel has stated that it is legally permissible to conduct the pilot under the current statutory and regulatory requirements of FIFRA. The logo is not an endorsement by the Agency rather the DfE logo indicates that the product has been reviewed and qualifies for recognition under the Pilot. The logo will be accompanied by a reference to the DfE pesticides pilot website that explains what the logo means, how the product was reviewed and what passing the review means about the product's hazard profile. For the purposes of determining whether the DfE logo would in general be false or misleading and thus misbranded, the logo means that a product has gone through and passed the Agency review, met the standard under the Pilot, and therefore it is not false or misleading.

Pilot Compliance and Enforcement

State pesticide regulatory agencies and EPA's Regional pesticide enforcement offices have requested that a comprehensive list of all pesticide products certified by the Agency as qualifying for inclusion of the DfE logo on the label be made available online. A table will be posted on the website to reflect antimicrobial products under the Pilot for which the DfE logo has been approved. In fact, in recent discussions with AAPCO, the Agency has agreed to notify the Association of all incoming DfE requests. The States will then have 21 days to review the product to ensure no State enforcement issues exist with the product in question. Additionally, companies must sign a certification statement with their application package or not be eligible for the Pilot. This statement (see attached) will be posted on the website for review and download.

**EPA/OPP Design for the Environment (DfE) Certification Statement
(4/26/10 Draft)**

Background

As part of the complete application for a new product registration or amendment to an existing product registration, the registrant would sign and submit a certification statement agreeing to EPA's terms and conditions for participating in the EPA/OPP DfE label logo program. If the registrant violates any of those terms and conditions, the registrant agrees to take specific corrective actions as described below.

EPA/OPP DfE Certification Statement

(Insert company name) agrees to the following terms and conditions for this product (insert product name) to participate in the EPA's Office of Pesticide Programs (EPA/OPP) Design for the Environment (DfE) labeling logo program:

- I certify that the product will be formulated and labeled in accordance with the application submitted on [X,X, 201X], for evaluation by the EPA/OPP DfE program. I understand that if the labeling or ingredients in a product change, then the product will no longer be eligible for the program.
- If EPA determines and notifies me in writing that my product no longer qualifies for the EPA/OPP DfE program, then I will take the following actions:
 - Remove the DfE logo from any products that have not yet been released for shipment
 - Immediately initiate a voluntary recall for products already released for shipment that bear the DfE logo

If EPA/OPP discontinues the DfE program (e.g. does not proceed beyond the pilot stage), EPA will notify me in writing of the discontinuation of the program, and I will submit an amendment to remove the DfE logo from the product's labeling within X days of receiving notice. I understand in the event that the Pilot is scheduled to end May 3, 2013 and if EPA does not proceed beyond the pilot with DfE for Pesticides, the last day product labeled with the DfE Logo can be released for shipment is May 3, 2013. I may continue to sell and distribute existing stocks with previously approved labeling.

Company Representative/Agent: _____ Date: _____