

EPA Proposes to Allow Web-Distributed Pesticide Labeling

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The Environmental Protection Agency (EPA) has released a draft PR Notice setting forth the Agency's plans for allowing the distribution of pesticide labeling via the Internet. The Agency terms this practice "Web-Distributed Labeling" (WDL). If finalized, this guidance document would allow pesticide registrants to utilize the Internet to distribute legally enforceable pesticide labeling that contains only a subset of the required label language.

The draft PR Notice is the latest step in EPA's effort to more broadly employ electronic technologies. In contrast to Agency action in other areas, however, the idea of electronic label distribution has been received with considerable skepticism by the regulated community. Registrants have previously expressed concerns about the program, particularly regarding the loss of control over label contents and the potential for misunderstandings by users.

In the face of industry's concerns, the WDL program will be entirely voluntary. Registrants may choose to participate at their discretion, and all costs would be borne by industry. Also, perhaps in an effort to address industry concerns about user confusion, EPA now intends to primarily use WDL for commercial pesticides such as those applied to agricultural, turf structural sites and agricultural commodities.

EPA proposes to initially approve WDL programs through the non-PRIA Fast-Track label amendment process. Each registrant would submit a copy of the WDL and its website as an amendment to the current labels. Existing labels would also need to be updated with instructions on how to obtain WDL. Once approved, the labeling on containers would be required to be the complete approved label, including the WDL instructions, but the user could download and print out the state-/site-specific labeling from the registrant's WDL website.

EPA envisions the WDL websites allowing the user to enter a unique identifier for the product and then select the application state and application site. The website would automatically provide the user with labeling specific to his or her selections.

As EPA continues to develop the current guidance, it is soliciting input from industry and the public through April 16, 2013. EPA has specifically asked for feedback on:

- Whether EPA should provide specific sample master labeling and WDL to assist registrants in drafting their labels.

- Whether to consider expanding the WDL beyond commercial applications.
- How to best assign the unique identifier, and whether to print the released-for-shipment date separately or as part of a single unique identifier.
- Whether to determine a standard location for the unique identifier and released-for-shipment date.
- Whether certain uses for products should be excluded from WDL, and how to inform users of such exclusions.
- Whether should EPA accept WDL applications electronically.
- Where the WDL statement should be located on the container labeling.
- What EPA should require as the minimum functionality requirements of a WDL website.

Persons wishing to provide comments on EPA's proposal should do so on Regulations.gov using Docket ID EPA-HQ-OPP-2012-0906.