July 29, 1993

PESTICIDE REGULATION (PR) NOTICE 93-10

NOTICE TO MANUFACTURERS, FORMULATORS, PRODUCERS AND REGISTRANTS OF PESTICIDE PRODUCTS

ATTENTION: Persons Responsible for Registration of Pesticide Products

SUBJECT: Effluent Discharge Labeling Statements

This notice describes revised effluent discharge labeling statements required on all manufacturing use products and end use products that may be discharged to waters of the United States or municipal sewer systems.

I. BACKGROUND

EPA first required effluent discharge statements in 1977 to eliminate inconsistencies between pesticide label statements prohibiting discharge into lakes, streams and ponds and National Pollutant Discharge Elimination System (NPDES) permits issued by Regions and authorized states which allowed for discharge of effluents containing pesticides (see EPA's Policy and Criteria Notice 2180.1, June 16, 1977). Those statements were:

> "Do not discharge into lakes, streams, ponds or public waters unless in accordance with an NPDES permit. For guidance contact your Regional Office of the EPA."

In 1984, to achieve maximum consistency between these statements and the requirements of the EPA Office of Water, EPA revised them to read:

> "Do not discharge effluent containing this active ingredient into lakes, streams, ponds, estuaries, oceans, or public waters unless this product is specifically identified and addressed in an NPDES permit. Do not discharge effluent containing this product to sewer systems without previously notifying the sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA."

The Agency has become aware that certain EPA Regions and states do not generally list pesticide products in NPDES permits due to the number of dischargers they oversee. In effect, pesticides labeled with the 1984 wording could not be used in those states. This notice modifies the effluent discharge labeling statements to eliminate that inequity and supersedes the policy in Policy and Criteria Notice 2180.1.

II. SCOPE

This policy applies to any pesticide product that may be contained in an effluent discharged to the waters of the United States or municipal sewer systems. Such products include but are

not limited to: (a) technical grade and manufacturing use products; (b) end-use products registered for industrial preservative, water treatment, or other industrial processing use such as in cooling water systems, pulp and paper mill water systems, secondary oil recovery injection water systems, food processing operations, leather tanning, and wood protection and textile treatment; and (c) large scale commercial and institutional end use (such as hospitals).

III. POLICY

The following statements should be included on all products whose use is covered by this notice:

> "Do not discharge effluent containing this product into lakes, streams, ponds, estuaries, oceans or other waters unless in accordance with the requirements of a National Pollutant Discharge Elimination System (NPDES) permit and the permitting authority has been notified in writing prior to discharge. Do not discharge effluent containing this product to sewer systems without previously notifying the local sewage treatment plant authority. For guidance contact your State Water Board or Regional Office of the EPA."

These statements should appear in the Environmental Hazards section of the label and are in addition to any other required statements (such as "This product is toxic to fish..." or "Do not contaminate water by cleaning of equipment or disposal of wastes.")

IV. EFFECTIVE DATE

Registrants should make the changes specified above and submit revised labels to EPA via notification in accordance with PR Notice 88-6 or refer to 40 CFR 152.46(a)(1). All products distributed or sold by registrants and distributors (supplemental registrants) should bear labeling which is consistent with this notice by October 1, 1995. All products distributed or sold by persons other than registrants or supplemental registrants after October 1, 1997 should bear correct labeling. After these dates, the agency may either issue a Notice of Intent to Cancel a product or bring enforcement action against products not in compliance with this notice. If you have questions, call Jeff Kempter (703-305-5448).

/Signed/

Lawrence E. Culleen, Acting Director
Registration Division

"I certify that this notification is consistent with PR 95-1 and EPA regulations at 40 CFR 152.46 and that no other changes have been made to the labeling of this product. I further understand that if this notification is not consistent with the terms of PR Notice 95-1 and 40 CFR 152.46, then this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA."

Notifications should be sent to:

U.S. Postal Service Deliveries

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
401 M St., S.W.
Washington, D.C. 20460-0001

Personal/Courier Service Deliveries (Mon.-Fri., 8:00 a.m. to 4:30 p.m., except Federal holidays)

Document Processing Desk (NOTIF)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, VA 22202

V. FOR FURTHER INFORMATION

If you have questions, call the Labeling Unit (703-308-8318).

/signed by Stephen L. Johnson/

Stephen L. Johnson, Director
Registration Division