

**Virginia Department of Agriculture & Consumer Services
Office of Pesticide Services**

Policy for Submission of Pesticide Labels

Content:

All labels which are submitted during registration or due to revision must meet the requirements of the Virginia Pesticide Control Act (VPCA) and Regulations Pursuant to the VPCA. The submitted label will include all panels which are present at the time of purchase on the pesticide container. Such label will include all graphics, ingredient statements, precautionary statements, signal words, complete use directions, EPA Registration Number and Establishment number and any other documents referenced by the label.

The following information provides guidance on submitting labels. The related document titled *Registration Label Review* provides additional information on label requirements specific to Virginia.

Format:

Pesticide labels can be submitted in the following manner:

1. Original label from the container;
2. Photocopy of the container label;
3. Facsimile of the container label;
4. Photo of the container label;
5. Electronic copy of the container label (See below);

All submissions are to be clear and legible. They are to reflect the label which appears on the container in the marketplace. The Office of Pesticide Services does not require submittal of the EPA stamped label or correspondence related to approval of the label as that information is available on EPA's website.

Guidance for submitting electronic files:

1. All files must be submitted as electronically readable PDF files and not scanned or photographed copies of the label.
2. Electronic files can be submitted on CD or equivalent media, by email as an attachment or via an online service such as Kelly Registration Systems, Inc. (Kelly) or the NPIRS Accepted Labels State Tracking and Repository (ALSTAR).
3. The label to be submitted shall accurately reflect the final version of the label as it appears on the container in the marketplace, including graphics. Registrants are discouraged from sending copies of printer's proofs, "book art" or pre-print labels. These would include versions which contain information describing the label dimensions, color codes or other information that does not appear on the final label. Registrants should be made aware that anything that appears on the label that is submitted for our files cannot conflict with what

appears in the channels of trade. If it does then they are subject to civil penalties or other actions permitted by law. We may request clean copies of our label if the copy submitted conflicts with those found in the marketplace or if any of the art layout information obscures the actual label. "Specimen Copy" versions shall not be accepted since they are not the container label.

4. Files submitted electronically may be viewable by the public and should reflect the same label that they would receive when the product is purchased from the retailer or distributor (not a specimen label).
5. If the use directions reference a technical bulletin or other similar document include a copy of that document with the label. All referenced documents should be merged into one file prior to submission.
6. For files submitted to an online registration service: If a file cannot be submitted electronically according to the above guidance, please submit it via one of the other methods.
7. For online submissions, the following criteria apply-
 - Supplemental labels, technical bulletins, and 2(ee) notifications are not accepted via the Kelly website. It is not currently set up for that type of submission.
 - Participants of ALSTAR can submit supplemental labels, technical bulletins and 2(ee) notifications via the ALSTAR website.
 - Participants of ALSTAR are not required to submit electronic labels separately from the ALSTAR submission. They can continue to post them on Kelly at their own discretion.

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Registration Label Review

The label to be submitted for review should be the final, marketplace label and labeling that accompany the product at the point of sale/distribution. Specimen labels, EPA Stamped labels and Printer's proofs are generally not accepted and may be rejected. The registrant is required by the Virginia Pesticide Control Act to submit "a complete copy of the labeling accompanying the pesticide" (§ 3.2-3918 (A) (3)). A label will not be considered complete if it does not include all elements required by the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) & 40 CFR Part 156. Products which are exempt from federal registration under FIFRA § 25(b) are not exempt from state registration or state labeling requirements. If information required by federal laws or regulations appears to be missing we will review documents posted by the EPA to determine if there is a discrepancy. Other elements include but are not limited to "Storage and Disposal", "First Aid", "Physical or Chemical Hazards", "Environmental Hazards" and "Precautionary Statements".

All of the following elements which are required by state regulations will be reviewed as part of the routine registration process.

1. **All required elements in English**-2 VAC 20-20-20
2. **Name and address of Registrant**-2 VAC 20-20-30 (A)

If registrant is not the manufacturer a statement such as "Packed for...", "Distributed by...", or "Sold by..." must precede name and address to show name is not that of manufacturer.

3. **Label must show name, brand, or trademark of the registered pesticide**-2 VAC 20-20-30 (B)

4. **Net Content Statement Declaration**-2 VAC 20-20-30 (C)

Only one example of the product label has to be submitted if there are multiple sizes, unless there is a difference in the contents of the labels such as container disposal directions.

5. **Directions for Use and Use Statement**-2 VAC 20-20-30 (D)

-Prominent statement that the product is to be used only as directed (It is a violation...)
-Directions for use on container labeling unless exempt (see below)

Exemptions from container labeling:

Manufacturing use only-For pesticides used by manufacturers in their regular manufacturing processes, the label must state that it is for manufacturing purposes only and bear an ingredient statement giving the name and percentage of each active ingredient.

Pesticide(s) sold directly to distributor for further dilution or mixing with carriers: Label is to contain ingredient statement giving the name and percentage of active ingredients.

6. Ingredient Statement-2 VAC 20-20-40

- A. Location: Part of label displayed under customary conditions of purchase (typically front) unless permitted by commissioner (OPS) to be on another side or panel due to container shape/size. If displayed on other areas of container, it must be in larger type and more prominent than otherwise required.
- B. Name(s) of ingredients-well known common name of the ingredient or the correct chemical name. If no common name or chemical name exists, the commissioner may permit the use of a new or coined name.
- C. Percentage of Ingredients- Sum of percentages of all ingredients must equal 100 percent.
- D. Designation of Ingredients-Active and Inert ingredients shall be designated in same size Type.

7. Signal Word/Warning or Caution Statement-2 VAC 20-20-60

- A. Label must bear warnings or cautions:
- B. Statement-"Keep out of reach of Children" must appear on front panel (or display panel)
- C. Signal Words: Caution, Warning, or Danger must appear on front panel (or display panel)
- D. If highly toxic to humans: Danger and Poison must appear in red on a contrasting background next to the skull and crossbones. Either an antidote statement or reference to its location on the label must appear on the front panel or that part displayed under customary conditions of purchase.

8. Review label for false or misleading statements-2 VAC 20-20-90

Due to the large volume of labels received each year, OPS staff will perform this aspect of review as directed by supervision.

Additionally, when reviewing labels on Kelly Solutions, staff will make sure the UPC is entered for each label posted when it is available. Not all labels will have UPCs.

Sources & References:

Virginia Pesticide Control Act, see Title 3.2, Chapter 39 (§3.2-3900 et seq)

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