

**VIRGINIA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
DIVISION OF CONSUMER PROTECTION
OFFICE OF PESTICIDE SERVICES**

Guidance Document number: 5036
Subject: Registration Label Review
Issue date: August 24, 2017 (Revised)
Expiration date: In effect until otherwise rescinded

PURPOSE: To provide guidance to the regulated industry and staff on elements required to appear on the pesticide label. 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)). The label* to be submitted for state registration should be the final, marketplace label and any other labeling** that accompanies the product at the point of sale/distribution. Specimen labels and EPA Stamped labels will not be accepted and shall be rejected. Registrants should not submit printer’s proof copies which contain art layout information such as dimensions, color codes and the proof reviewer’s approval, however, they will not be rejected unless the additional information or graphics obscure the label or provide conflicting information. The labels submitted to our office should accurately reflect those which appear on the containers in the channels of trade. If a submitted label contains information which conflicts with that which appears in the channels of trade in Virginia, the registrant may face civil penalties or other actions permitted by law.

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 5-670-20
2. **Name and address of Registrant**-2 VAC 5-670-30 (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 5-670-30 (B)

4. Net Content Statement Declaration-2 VAC 5-670-30 (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 5-670-30 (D)

The following elements of Directions for use must appear on the container labeling unless exempt (see below)

- The Statement of Use Classification (if RUP).
- The statement it is a violation of federal law to use this product..." (if product requires federal registration).
- Site of application.
- Target pest.
- Dosage rate associated with each site and pest.
- Method of application, including instructions for dilution, if required, and type of application apparatus or equipment required.
- The frequency and timing of applications necessary to obtain effective results without causing unreasonable adverse effects on the environment.
- Specific directions concerning the storage, residue removal, and disposal of the pesticide and its container.
- Any limitations or restrictions on use required to prevent unreasonable adverse effects.

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 5-670-40

- A. Location: The ingredient statement shall appear on the front of the label or that part of the label displayed under customary conditions of purchase, except in cases where the commissioner determines, that due to the size or form of the container, a statement on that portion of the label is impractical... 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 5-670-60

- 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 5-670-90

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.

*"Label" means the written, printed or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any, of the pesticide or device.

**"Labeling" means all labels and other written, printed, or graphic matter: (i) upon the pesticide or device or any of its containers or wrappers; (ii) accompanying the pesticide or device at any time; or (iii) referenced on the label or in literature accompanying the pesticide or device. Labeling shall not include current official publications of the agricultural experiment station, the Virginia Polytechnic Institute and State University, the Department, the State Board of Health, or similar federal or state institutions when accurate, nonmisleading reference is

made to such official publications and such agencies are authorized by law to conduct research in the field of pesticides.

-Per § 3.2-3900. Definitions of Pesticide Control Act

Sources & References:

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

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