

August 4, 2021

Patrick Jones, AAPCO President
NC Dept. of Agriculture & Consumer Services
1090 Mail Service Center
Raleigh, NC 27699-1090
patrick.jones@ncagr.gov

Re: Questions on AAPCO 25(b) Product Label Guidance

Dear Mr. Jones,

On behalf of the members of HCPA, I am providing a few comments on the recently revised [25\(b\) Product Label Guidance](#). We completely agree with the preamble in that “Each state may have different label requirements, which makes it difficult for companies to comply with all states,” and the intent to help companies comply with the varied state requirements. We strongly believe this and other similar AAPCO efforts highlight the need for increased federal oversight of 25(b) products to address the concerns identified by state lead agencies and to create a level playing field for registrants. At the same time, the guidance has several additional state requirements that differ substantively from pesticide products labeled per the EPA Label Review Manual that create compliance challenges and increase the burden upon registrants and state lead agencies. We also encourage greater transparency and active engagement with stakeholders during the development of guidance and to have clear implementation timelines to minimize confusion and disruption in the marketplace.

With this in mind, we identified a number of questions and concerns with the guidance that we feel merit consideration:

- It is unclear when the effective date of the revised labeling guidance document is and when it will be implemented in states, especially in light of the fact that the guidance is dated Oct 13, 2020 but does not appear to have been published on the AAPCO website until Feb 2021. We understand from prior conversations that this is a state-by-state decision but having multiple versions of label guidance potentially in operation with unclear implementation dates is a compliance challenge for registrants and would make both label review and enforcement challenging for state lead agencies.
- The requirement to match the signal word on the SDS to the product packaging and to utilize GHS pictograms appears to be in conflict with EPA [PR Notice 2012-1](#). We are concerned that inconsistent requirements will increase label review times and compliance/enforcement challenges for registrants and state lead agencies.
- The requirement for the statement “If the product contains ingredients that are not permitted for use on food/feed crops, the label must prohibit the use on food/feed crops” is confusing if the product was never intended to be used on food/feed crops.

- The statement of “Addition of state registration number to the artwork (if applicable)” and registration numbers is confusing in light that they are not issued until after a product is registered. This requirement would likely require multiple submissions to each state by registrants and likely requires state lead agencies review products multiple times.
- The basis for inclusion of registrant email address on the product label is unclear and is inconsistent with the company identification elements EPA requires as part of the conditions for exemption.

With these considerations in mind, we would like to meet to discuss in more detail to better understand the challenges they are trying to solve. We appreciate the efforts by AAPCO and state lead agencies on label guidance and look forward to discussing further.

Thanks for your time and attention.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Bennett', with a long horizontal flourish extending to the right.

Steven Bennett, Ph.D.
Executive Vice President, Scientific & Regulatory Affairs
Household & Commercial Products Association

Cc Erica Millette, AAPCO 25((b) Work Group Chair