



# SFIREG

## State FIFRA Issues Research and Evaluation Group

August 21, 2023

Mary Elissa Reaves, Director  
Pesticide Re-Evaluation Division, Office of Pesticide Programs  
Office of Chemical Safety and Pollution Prevention  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460-0001

*Submitted electronically via Regulations.gov.*

Re: SFIREG comments regarding Pesticide Registration Improvement Act Bilingual Labeling Requirements: Making Bilingual Pesticide Labeling Accessible to Farmworkers, Docket Number EPA-HQ-OPP-2023-0270

Dear Director Reaves,

The State FIFRA Issues Research and Evaluation Group (SFIREG) and its working committees provide a platform for the states and US Environmental Protection Agency (EPA) to resolve challenges for successful implementation of pesticide programs and policies. SFIREG serves as a permanent standing committee of the Association of American Pesticide Control Officials (AAPCO), which works to represent states in the development, implementation, and communication of sound public policies and programs related to the sale, use, transport, disposal, and the protection of human health and the environment related to pesticides. We're proud that our organization has been conducting this coregulatory work since 1978.

On behalf of SFIREG and our Joint Working Committees (JWC), we appreciate the opportunity to provide comments to the EPA on the *Pesticide Registration Improvement Act Bilingual Labeling Requirements: Making Bilingual Pesticide Labeling Accessible to Farmworkers, Docket Number EPA-HQ-OPP-2023-0270*. SFIREG supports the work by EPA to increase bilingual label accessibility to farmworkers. Overall, this step is important for providing comprehensive and clear label language in Spanish for certain label sections as required by the recent passage of the Pesticide Registration Improvement Act (PRIA) or PRIA 5. SFIREG supports the concept that the required bilingual sections of the label appear on the product

container to ensure consistent and reliable accessibility, interpretation, and clear enforcement processes for education and compliance. Although, there is tremendous interest in scannable technology or other electronic means for label dissemination, SFIREG has concerns about these approaches as the only form of providing the translated label. While launching the first required bilingual labeling requirements, SFIREG has concerns about going to electronic only applications for the bilingual language component of legally required labels. SFIREG has long-supported pesticide safety measures and provisions that protect workers and handlers and placing the bilingual language on the product would be the standard traditional method for awareness, use, and enforcement. SFIREG recommends that EPA build on the standard label system for new bilingual language information, and phase in other means of information dissemination. There are various examples and partnerships as described in this letter that could be applicable.

### **Specific Concerns about the Spanish Translation Guide and the Recommendation for Revision:**

SFIREG has concerns about making sure Spanish translated label language is accurate, and that consistent neutral terminology is utilized. While the Spanish translation guide is a starting point, it does not encompass the diversity of language found on pesticide labels. The Spanish translation guide should be revisited for accuracy and consistency. Certain SLAs around the nation have experience with Spanish translation with a neutral language approach and style through experiences of implementing the Worker Protection Standard, translating the Worker Protection Standard manual, creating Spanish certification study manuals and training modules, and creating Spanish language certification exams. SLA and SFIREG members have identified the need for expanding the Spanish Translation Guide and request's that EPA develop a process for reviewing and making revisions to the guide before the pesticide labels are translated by industry and made available to the public.

The goal of providing access to Spanish-translated labels is to ensure that Spanish-speaking pesticide users have access to the translated information. Therefore, part of making Spanish-translated labels accessible and impactful for health and safety, is making sure that the Spanish translation itself is accurate, uses consistent terminology, and factors in differences in dialect. A contributing SLA member provided this example of potential concerns after an example pesticide label was compared to the EPA Spanish Translation Guide.

By looking at the example label Restricted Use Product (RUP) box; and for statements such as first aid, agricultural use, PPE and storage and disposal sections on the guide, do not appear to reflect the diversity in English statements currently found on pesticide labels. The following bolded text, found on the below RUP agricultural use product, is not addressed in the currently EPA Spanish Translation guide. This list is not comprehensive but serves as an example.

- Example: Gramoxone SL 2.0 (EPA REG. NO. 100-1431)  
[https://www3.epa.gov/pesticides/chem\\_search/ppls/000100-01431-20191230.pdf](https://www3.epa.gov/pesticides/chem_search/ppls/000100-01431-20191230.pdf)
  - **“FOR RETAIL SALE TO AND USE ONLY BY CERTIFIED APPLICATORS ONLY-NOT TO BE USED BY UNCERTIFIED PERSONS WORKING UNDER THE SUPERVISION OF A CERTIFIED APPLICATOR.”**

- **“SPEED IS ESSENTIAL. Immediate medical attention is required. If available, give an adsorbent such as activated charcoal, bentonite or Fuller’s Earth.”**
- **“The odor of this product is from the alerting agent, which has been added, not from the paraquat.”**
- Call a poison control center or doctor for **further** treatment advice.
- **“If on skin or clothing”**
- **“HOT LINE NUMBER For 24-Hour Medical Emergency Assistance (Human or Animal) Or Chemical Emergency Assistance (Spill, Leak, Fire or Accident) Call”**
- **“Applicators and other handlers (other than Mixers and Loaders) must wear:”**
- **“Protective eyewear”**
- **“Chemical-resistant gloves made of: barrier laminate, butyl rubber > 14 mils, nitrile rubber > 14 mils, neoprene rubber > 14 mils. natural rubber > 14 mils, polyethylene, polyvinyl chloride (PVC) > 14 mils, or Viton)> 14 mils”**
- **“For Chemical Fallow, Early Postemergence Broadcast in Peanuts and Dormant Season Applications, and "Between Cutting" Applications in Alfalfa: Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 12 hours.”**
- **“For Harvest Aid and Desiccation Applications, Preplant or Preemergence (Broadcast or Banded), and Postemergence Directed Spray: Do not enter or allow worker entry into treated areas during the restricted-entry interval (REI) of 24 hours.”**
- **“Nonrefillable container: Do not reuse or refill this container. Pressure rinse container promptly after emptying. Pressure rinse as follows: Empty the remaining contents into application equipment or a mix tank using the closed transfer system. While maintaining the closed system connection of this container to the application equipment or mix-tank, activate the pressure rinsing system on the closed system, and rinse at about 40 PSI for at least 45 seconds. Once pressure rinse has been stopped, allow container to drain for additional 30 seconds into the application equipment or mixtank. Then offer for recycling if available or reconditioning if appropriate or puncture and dispose of in a sanitary landfill or by incineration. Prior to offering for recycling, but only after the container has been emptied and pressure rinsed, the closed system valve must be removed from the product container. Do Not remove this valve until after the product container has been rinsed and drained as described above. To remove closed system valve, use a mechanical device such as a strap wrench or adjustable pliers to turn the valve counterclockwise until the locking mechanism is released. The closed system valve is removed from the product container by unscrewing the valve in a counterclockwise direction until free from the product container. The closed system valve is not recyclable and should be discarded.”**

- **Refillable container. Refill this container with pesticide only. Do not reuse this container for any other purpose. Cleaning the container before final disposal is the responsibility of the person disposing of the container. Cleaning before refilling is the responsibility of the person refilling. To clean container before final disposal, empty the remaining contents from this container into application equipment or mix tank. Fill the container about 10 percent full with water. Agitate vigorously or recirculate water with the pump for 2 minutes. Pour or pump rinsate into application equipment or rinsate collection system. Repeat this rinsing procedure two more times.** Then offer for recycling if available or puncture and dispose of in a sanitary landfill, or by incineration, or by other procedures approved by state and local authorities.
- **“For help with any spill, leak or fire involving this material, call 1-800-888-8372.”**
- **“CONTAINER IS NOT SAFE FOR FOOD, FEED OR DRINKING WATER”**
- Also, here is an example of a statement from the same label where the all the words/phrases are included in the translation guide, but not in a single area (i.e., the SLA reviewer would need to take phrases from multiple sentences on their own to review the translation: “NIOSH-approved particulate respirator with any N. R. or P filter. NIOSH approval number prefix TC-84A, or a NIOSH-approved powered air-purifying respirator with an HE filter with NIOSH approval number prefix TC-21C.”

SFIREG requests that EPA provide clarity on its process for updating the EPA Spanish translation guide. Updating the translation guide should be done quickly to ensure accuracy and to prevent translation delays and the issues and extra complications that will result from poor and variable translation. SFIREG requests that EPA plan to work with external partners through SFIREG, JWC, and AAPSE and also create a public process for comment.

It is anticipated that some registrants may submit labels to SLAs that are fully translated into Spanish. Many SLAs do not have staff that can review and provide feedback to a registrant-produced translation of an entire label. SLAs, along with the regulated applicators and farm workers are going to assume that EPA has approved these industry labels. In this situation, how will EPA ensure that the label conveys the relevant information correctly to the Spanish-speaking pesticide user? SLAs will not be equipped with the staff and ability to complete that task. SLAs may reject labels that aren't accurate or be pressured to determine if they're correct or not.

SFIREG has concerns about enforcement of a number of aspects of the translation guide, the required translation accuracy to produce the label sections, and the process of responding to and enforcing drift and other cases when both Spanish and English labels exist. Many of these enforcement issues that have been brought up by SLAs and SFIREG remain unanswered. Is the translation guide enforceable? Do registrants have to use the language as provided in the translation guide; is that enforceable? As EPA updates the translation guide would this automatically change the label language requirements, or would there be a timetable for phasing

these in? Who is responsible for ensuring the accuracy in the translation and the new labeling? What do SLAs do if they find issues with the translation and scannable codes, or lack thereof? Most SLAs don't have the resources or staff to review bilingual labels for accuracy and will not be able to provide that review. Other resources for those reviews will be necessary and ideally would be made available by EPA at the national or regional level, and not be an effort made by individual states. When translation and accuracy issues do arise and SLAs learn of these issues, what should an SLA do to notify EPA, the EPA Regions, and the registrants; and how quickly can the issue be addressed and corrected? A clear process for those referrals should be provided for SLAs, and other concerned parties such as farmworkers and their advocates.

A long-term concern is related to the further diversifying agricultural workforce; the number of languages for which translation of pesticide label sections is needed and will likely be growing. It's imperative to create a comprehensive process starting with this Spanish-label effort, as over time more languages will likely be added.

**SFIREG offers the following comments related to EPA's specific questions:**

*What communication approaches, processes, or strategies should the Agency consider to ensure bilingual pesticide labels are accessible to farmworkers? What specific approaches should the Agency avoid or adopt when implementing efforts to best ensure access by farmworkers to bilingual pesticide labels?*

SFIREG recommends that the required bilingual sections appear on the product label itself and not rely solely on scannable technology or other electronic media. Having the bilingual sections on the physical pesticide product label is the only way to ensure the label is always present, accessible, and consistent for that specific pesticide label version. SFIREG considers this step very important for both awareness of and use by Spanish language users in order to establish the correct communication and implementation methods, which are critical for success. Scannable and electronic methods could be added in addition to the actual real label on the product. EPA should consider multiple ways to get the labels out to the users in addition to the actual physical label. This could include partnering with industry, grower and commodity groups, university extension, university farm safety programs, county and local governments, local health department partners, library systems, university Pesticide Safety Educator Program (PSEP) staff, Non-Governmental Organizations (NGOs), and farm worker support groups.

EPA should consider partnering with a mobile application developer to create a free smartphone app that contains the health and safety portions of the pesticide label. An electronic only approach won't reach all farmworkers, and there can be issues with literacy, differences in Spanish language dialects, access to technology, and smartphone and connectivity issues. The University of Washington's Pacific Northwest Agricultural Safety and Health Center (PNASH) has developed a smartphone app PestiSeguro™ /PestiSafe™<sup>1</sup> that contains pesticide label safety and environmental protection sections of some pesticides in Spanish. This program has been supported by a variety of

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<sup>1</sup> [PestiSeguro™/PestiSafe™ App and Service](#) offers 40 translated labels for free on their app and a subscription service for 300+ labels for \$20 per year.

Washington agricultural and commodity groups, and also the Washington State Department of Agriculture (WSDA). The PNASH app is free for 40 labels and a subscription service is required to access the remaining labels. WSDA is supportive of this program and has provided translation support but observes there are issues with scannable technology and electronic media being unreliable at times due to connectivity issues in rural areas and it can be inaccessible to users in certain socioeconomic groups. In addition, an older pesticide label with an outdated web address and QR code for the Spanish label may lead to a broken link or a ‘website not found’ error message. A web address and QR code could also be inadvertently linked to the webpage of a completely different pesticide product that has less stringent health and safety sections than the intended product. The safety and health information contained on a pesticide label is too important to rely on information technologies that can be unreliable either through websites being down or upload errors. Creating these kinds of electronic systems also bring challenges for operations and maintenance of the systems.

*What technologies, mobile applications, and internet access should the Agency consider? Would web-based labels be accessible to farmworkers? How should the Agency overcome internet connectivity issues that some farmworkers may face?*

In addition to requiring the Spanish translation on the physical pesticide label, EPA should consider multiple ways to get the labels out to the users. As stated above, this could include partnering with industry, grower and commodity groups, university extension, university farm safety programs, county and local governments, local health department partners, library systems, university Pesticide Safety Educator Program (PSEP) staff, Non-Governmental Organizations (NGOs), and farm worker support groups. EPA should consider partnering with a mobile application developer to create a free smartphone app that contains the health and safety portions of the pesticide label. An electronic only approach won’t reach all farmworkers, and there can be issues with literacy, differences in Spanish language dialects, access to technology, and smartphone and connectivity issues. The University of Washington’s Pacific Northwest Agricultural Safety and Health Center (PNASH) has developed a smartphone app PestiSeguro™ /PestiSafe™<sup>2</sup> that contains pesticide label safety and environmental protection sections of some pesticides in Spanish. This program has been supported by a variety of Washington agricultural and commodity groups, and also the Washington State Department of Agriculture (WSDA). The app is free for 40 labels and a subscription service is required to access the remaining labels. It is unclear if the Spanish used in the app is consistent with the “neutral” Spanish in EPA’s [Spanish Translation Guide for Pesticide Labeling](#). For this approach to be effective, the app would need to be free of charge for all labels and information available when offline. This solution should not be used to replace the required bilingual sections on the physical pesticide label on the container.

A significant percentage of farmworkers, including applicators and handlers, do not have access to internet web-based applications. A recent survey conducted of Washington

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<sup>2</sup> [PestiSeguro™/PestiSafe™ App and Service](#) offers 40 translated labels for free on their app and a subscription service for 300+ labels for \$20 per year.

State pesticide applicators, whose primary language is Spanish, found that connectivity is still limited in certain areas (available from WSDA). Of the respondents that stated they had access to a mobile device during work activities that may include pesticide application, 28% stated they are still not able to open a website or weblink and 39% are unable to download documents due to connectivity issues. WSDA has been very proactive in working to implement many aspects of the Worker Protection Standard (WPS) and also Washington State has been proactive in establishing internet connectivity across the state in general. Other SLAs around the nation have also added staff over the years that support the Worker Protection Rule implementation with the Spanish speaking farm worker sector, and also have hired bilingual employees to assist with implementation, education, technical training, and compliance assistance. Many SLAs and SFIREG members also reflect on these same issues in their states across the nation. Limited or lack of access to the internet, connectivity, and even handheld mobile devices is an issue nationwide with certain farm worker populations.

SLAs also have a concern about an increased risk of secondary contamination if an applicator must refer to a label on an electronic device while mixing or loading. While wearing required PPE, such as gloves and face shields, there can be considerable issues with navigating touch screens, and an applicator may need to remove the gloves to access the electronic information. An applicator may inadvertently transfer pesticide residues to the phone, and then contaminate themselves or food and drinks they're consuming, or even children who may later use the device, after the application is completed. There are also concerns about technological and generational barriers with the use of mobile devices. Many farm workers don't have access to technology or internet service, and older farmworkers may have a more difficult time understanding or implementing technology. Using handheld mobile devices in the field can also be difficult with working conditions, climate issues, daytime sun glare, heat impacts to mobile devices, and the basic issues with keeping devices charged properly.

*How can the Agency effectively share health and safety information on pesticide labels with farmworkers? What should on-the-ground logistics look like? Which entities (e.g., community-based organizations) should the Agency work with to provide label information to farmworkers?*

Sharing safety and health information for specific pesticide products can only be consistently done through information being present on the physical pesticide product container. However, general health and safety information can be shared via posters at worksites or through the smartphone app example described above. EPA could partner with education-based entities such as the Association of American Pesticide Safety Educators (AAPCO), Pesticide Safety Educator Programs (PSEPs), Pesticide Educational Resources Collaborative (PERC), and National Pesticide information Center (NPIC) to create general posters and other web-based applications related to health and safety and have them distributed with little to no cost.

EPA could partner with farmworker advocate organizations, which could then reach out to their local affiliates to conduct training on how to interpret information from pesticide labels. These organizations have an important role as a trusted resource for farmworkers.

Many applicators and farmworkers are hesitant to interact with a state's pesticide regulatory program, or other government agencies, for fear of being reported for non-compliance or other concerns such as immigration status.

While some states have education and outreach programs for farmworkers, it should not be an additional burden to those state programs to train applicators, handlers, and farmworkers how to read a label, how to access a label, or how to use scannable technology. Many of the SLA programs are overburdened, understaffed, and do not have the resources to add Spanish training curricula to teach farmworkers how to access labels. SFIREG recommends that EPA consult with SLAs and SFIREG further on workable solutions.

*As the Agency implements actions to meet this requirement, how can EPA effectively increase farmworker access to bilingual pesticide labels (e.g., communication plans, outreach strategies)?*

Requiring the Spanish translation on the physical pesticide label is the only way to ensure farmworkers will have consistent and reliable accessibility to bilingual labels. With the increased emphasis on Environmental Justice efforts across the nation, SLAs and SFIREG have shared their perspective that not all Spanish-speaking farmworkers and attendees at training workshop will be able access electronic versions of labels. PRIA 5 language suggests farmworkers, who are frequently disadvantaged and underrepresented, could access Spanish labels via scannable technology and smartphones. This incorrectly assumes that all or even most farmworkers have access and the means to purchase smartphones and cell phone data plans and live or work in areas where connectivity is available. In many areas of the nation that assumption isn't completely accurate.

#### **Other issues with enforcement and label compliance:**

SLAs enforce the English version of the label which is approved by EPA and SLAs. The English versions are the only portions of the label that EPA has completely reviewed and approved. This is also true with SLAs that have built registration programs staffed with experts that work with English-only labels. What happens when issues are noted with the Spanish versions by pesticide users, registration and enforcement staff and others? Does the SLA contact the EPA headquarters and regional offices for consultation and compliance? If there is a case or an incident involving potential endangerment or harm to human health or the environment, which was a result of an inaccurate translation of the English version of the label into Spanish, who would the SLA regulate? Would the SLA cite the most responsible party, and who would that be; the applicator, farm worker, property owner, and/or the registrant? Would EPA like the SLA to contact the EPA Regional Office and headquarters when these situations occur? SFIREG suggests that EPA create clear guidance related to how these processes would work.

The majority of the SLA registration staff around the nation will not be reviewing any Spanish sections of the label. The SLA registration and certification programs, especially in smaller states, do not have the resources to review translations. Some SLAs may



check to ensure there is Spanish language in the specific health and safety sections on the label by the deadlines established in PRIA 5, but most SLAs likely will not be checking for translation accuracy.

### **Consistent processes with Pesticide License Study Materials and Exams in Spanish and the implementation of Bilingual Label Language Requirements:**

The number of SLAs producing certification study materials and exams translated into Spanish is increasing around the nation. The study materials and exams usually have the sample label in English only. SLAs that provide these materials and exams, often with various PSEP partners, will likely not be able to create or use a pesticide label translated into Spanish in pesticide exams until EPA has reviewed and approved fully translated Spanish pesticide labels. SLAs do have concerns with an example situation where an applicator receives their pesticide applicator license from a fully Spanish language exam; the applicator likely will not be able to read and interpret the English portions of the label. SLAs have concerns about the accuracy of the translations and their consistency with the already established study manuals and exams that are in Spanish. These existing SLA programs in Spanish will be even more complicated when the new EPA PRIA 5 requirement begins to take shape. If the bilingual label effort is not implemented carefully, particularly with these existing programs in mind, this could lead to confusion among Spanish speaking applicators and possible pesticide exposure or misapplication. SFIREG suggests that EPA work with SLAs and SFIREG to assess how these efforts can work properly together going forward. Numerous SLAs have invested considerable time and resources into establishing comprehensive Spanish language products to support farmworkers and the agricultural and noncrop applicator sectors.

### **Use of a translated Safety Data Sheet (SDS) instead of a bilingual label for antimicrobial or non-agricultural pesticides:**

SLAs and SFIREG have concerns about the bilingual language requirements also being consistent with the processes and uses of Safety Data Sheets (SDS). SFIREG does not recommend allowing the use of a QR code or other scannable technology that leads to an SDS translated into Spanish in lieu of Spanish labeling on the product container for many of the same reasons noted above including the lack of accessibility and unreliable access to web-based applications. SDSs are confusing, very technical to read, and unlikely to be understood by the average user. Many SDSs contain different information and precautionary language than the pesticide product label. SDSs are one element of the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard and often use different scientific models depending on the "worker" being protected. In general, the SDS is intended to protect workers working in a facility manufacturing the pesticide, not to protect the worker applying the pesticide. In addition, SDSs use the Globally Harmonized System (GHS), where the signal word of CAUTION is not used.

For example, Lysol® Brand Disinfectant Spray—differences in precautionary language:

<b>Product Label</b>	<b>Safety Data Sheet</b>
Signal word CAUTION	Signal word WARNING
Causes moderate eye irritation	Causes eye irritation
Wash thoroughly with soap and water after handling and before eating, drinking, chewing gum, using tobacco, or using the toilet.	Wash thoroughly after handling
Do not spray in eyes, on skin, or on clothing.	(No statement)
If in eyes hold eye open and rinse slowly and gently with water for 15-20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye. Call a poison control center or doctor for treatment advice.	Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical advice or attention.
Contains disposal statement	(No disposal statement)

The inconsistencies between the product label language and SDS will inevitably lead to confusion and the technical nature of the SDS will not be understood by the end-user, all of which could result in causing harm to the user. A less than thorough consideration of all parts and how they intersect, or overlap may jeopardize the utilization of the new bilingual label resource, complicate efforts of SLAs and other cooperators, and potentially endanger the farmworker communities this effort is meant to benefit. SFIREG recommends that EPA consider all of these systems in a comprehensive manner to ensure the efficient implementation of this new requirement while simultaneously maintaining effective and efficient processes for both EPA, SLAs, and the effected applicator and farm worker community.

SFIREG recommends that EPA begin regular meetings with SLAs, SLAs with bilingual program experience, SFIREG members and AAPCO to discuss these complex issues. This is important to gain input from SLAs, SLAs with bilingual experience and expertise, Pesticide Safety Education Program (PSEP) leaders, agricultural and commodity groups, applicator groups, Tribal Nations, SFIREG, JWC, and other partners. In conclusion, SFIREG recommends that EPA require the placement of the bilingual sections on the product container label, and not initially rely on scannable technology or other electronic media. SFIREG believes that during the initial phases of implementation, the best route to ensure consistent and reliable accessibility of the bilingual language for the Spanish farmworker will be to place the information on the product container label.

SFIREG and SLAs are focused on providing science-based information and consistent regulations while working with EPA, stakeholders, and industry. We thank EPA for the opportunity to comment. We look forward to working with EPA on these important science and regulatory processes. Thank you for your consideration.

Sincerely,



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