

What information can the Agency provide concerning non-notification changes being made to distributor product labels?

Under 40 CFR 152.132(d), the label of a distributor product must be the same as the label of the registered product with the following exceptions. If a distributor wishes to make a change to the distributor label, they may do so if the change is covered by one of the listed exceptions in 152.132(d). If the change isn't covered by the listed exceptions in 152.132(d), then the distributor should work with the registrant to make the change to both the master label and the distributor label. If the change meets the criteria for being made via non-notification under [PR Notice 98-10](#), then the registrant and the supplemental distributor may make the change. **However, the distributor cannot make the change on the distributor label until after the registrant has done so on the master label**, as PR Notice 98-10 provides that "a registrant may accomplish the following types of actions without notification to the Agency" (page 11, emphasis added). Note that this does not mean that **the change must be on a stamped master label uploaded onto PPLS**, since the registrant may add the change to the master label via non-notification, meaning that EPA would neither review nor approve the change. EPA recommends that supplemental distributors keep track of the changes the basic registrant has made. Basic registrants own the source registration known as the 'Section 3 registration' and other registrants may have agreements to distribute these products under their own 'supplemental' labeling. Also, keep in mind that 152.132 provides that a distributor is "considered an agent of the registrant for all intents and purposes" under FIFRA, and that "both the registrant and the distributor may be held liable for violations pertaining to the distributor product."

If a change meets the criteria for being added via non-notification under PR Notice 98-10, the Agency encourages its addition via non-notification rather than notifications and/or amendments, due to limited Agency resources to handle unnecessary submissions. **The following are examples of items that may be changed/added to the label via non-notification in accordance with PR Notice 98-10: 1) label format changes; 2) lot or batch codes, barcodes or other production identifiers; 3) fixing minor typographical errors; 4) changes in package sizes; and 5) changes of address.**

Non-notification		Notification		Amendments
Typo / Printing Errors	Statement of Practical Treatment/First Aid	Brand Names (primary/alt)	R Redundant Labeling Statements	
Package Size & Net Contents	Product Packaging	+/- Pests	R Warranty Statements	+/- Public Health Pests, termites, quarantine
+/ R /- Non-FIFRA Related Label Elements	Bilingual Labeling	+ Indoor, Nonfood Site (Antimicrobial Product)	Product Composition	Minor formulation amendments
Name or Address of the Registrant on Label	Recycling of Container	+/ R /- Advisory Statements	Risk Reduction	Indoor, Food and all Outdoor Uses
Redesign of Label Format		R Packaging/Related Labeling Statements	Directions for Use	Symbol/Graphics – explanatory text
Non-pesticidal characteristics		- Use related to Data Call-In's	Other Revisions	
		R Storage and Disposal	Product Chemistry	
		Symbols and Graphics		

+/**R**/- = add/revise/remove

Non-notification (98-10)

Type / Printing Errors

- do not change how the product will be used (e.g., adding and/or changing prepositions)
- the use directions, signal words or requirement for child-resistant packaging do not change and that the format is consistent with Agency labeling requirements

Package Size & Net Contents

- **Does not include** products subject to child-resistant packaging requirements; products subject to other special Agency-mandated size-related requirements; rodenticide products; changes which would change the toxicity category or chemical properties

+/R/- Non-FIFRA Related Label Elements

- Symbols and graphics required by other Federal agencies such as the Department of Transportation
- State-required analysis of the fertilizer component
- Lot or batch codes, barcodes or other production identifiers
- Date of manufacture or label approval
- Use of metric units in addition to standard U.S. units

Name or Address of the Registrant on Label

- Transfer of ownership must be approved
- Company name, address & designated agent – require notification

Redesign of Label Format

- Consistent with format requirements & Agency policy
- changes in color, type size or style, use of space, configuration or placement of label elements

Non-pesticidal characteristics claims/statements

- **Non-pesticidal effectiveness and directions related to the use like “cleans” – “removes soap scum” – “eliminates odors”**
- **Cleanup like "leaves no film or deposit" and "cleans easily with water"**
- **Effects on treated object or sites like “non-staining” and “non-corrosive”**
- **Approval by other federal agencies**
- Price; Where product is made; Consumer access numbers; “other ingredients” in ingredient statement

Statement of Practical Treatment/First Aid

- First Aid header may be substituted

Product Packaging

- **Recycled content; refillable**

Bilingual Labeling

Recycling of Container

- **Aerosol containers; residential use containers**

We recently are putting together a label for supplemental distribution. The primary registrant is telling us to avoid using any parentheses on our label (even though theirs has some). Our particular statement where we use parentheses is dosages. We typically state use x to y ppm (a to b gals per 1000 gallons).

Where a and b are simply converted values of x and y. Is this wrong?
(LC10-0323) 3/11/10

In general, EPA allows the use of parentheses on a label unless:

- the parentheses are used in such a way that the labeling becomes false and/or misleading; or
- the use of the parentheses causes confusion making the directions for use inadequate to protect human health or the environment.

The example you cite where you provide correct ppm information to the user based on the rate on the label would generally be an acceptable use of parentheses on a label.

Please note, however, that the label of a distributor product must be identical to the master label of the parent product, except as provided in 40 CFR 152.132(d). A supplemental distributor may not present statements in parentheses on a label unless the master label of the parent product also contains the same statements in parentheses. Further, the supplemental distributor may not delete statements in parentheses that appear on the parent product's label unless they involve one of the changes allowed in 40 CFR 152.132(d).

One of our customers is requesting that we add a QR code to the product so that the retail customers can scan it and view a web page with complete info. Can we add the QR code, and do we do it by Notification? LC11-0436; 10.6.11

A Quick Response (QR) code that allows easy access to websites or other text from portable devices can be added to a pesticide label. With some listed exceptions for official government publications, written, printed or graphic matter that is referenced on a pesticide label is considered "labeling" as defined in FIFRA § 2(p)(1)(2). Therefore, if a QR code is added to a label, the content it references is considered labeling and is subject to review by the Agency.

If a URL to a web page is already on the label, then the addition of a QR code that takes customers directly to the same web page can be done through notification per PR Notice 98-10 Section II. H, which allows the use of graphics in conjunction with approved text to be added through notification. If the URL is not already present on the approved labeling, the QR code needs to be added by an amendment.

My questions are in regard to a combo product, a fertilizer with a pesticide on it. When sub-registering a product, and the primary label mentions "spreader settings" on the label, is it a requirement for the sub-registered label, to carry this same statement about what the settings should be, or is it permissible to include a general statement of contacting the spreader manufacture for up to date settings for the product, due to the large amount of spreaders and possible changes, and also since "spreader settings" is not a FIFRA or 40 CFR label requirement? (LC07-0086)

A distributor label under Supplemental Distribution must be the same as that of the registered product except for a limited set of exceptions, 40 CFR 152.132(d). Directions for Use are not excepted and must be identical to those of the registered product. Therefore, the "spreader settings" of the parent registered product must be used on the Distributor label, being a part of the Directions for Use. If the distributor label included any additional text not included on the registered product label, it would not be the same as the registered label, and thus in violation of the regulations.

Does the Agency allow the use of the GHS corrosive symbol on supplemental distributor labeling without the symbol being on an approved stamped label? (LC09-0192) 8/28/08

40 CFR 152.132(d) requires that "the label of the distributor product is the same as that of the registered product" with certain listed exceptions such as the product name, registration number and establishment number. Inclusion of additional symbols or graphics on a distributor label is not one of the exceptions. Thus the basic registrant would have to add the GHS corrosive symbol to their label first before a distributor could use it.

Pesticide/fertilizer labels in certain states must have a label attached to the package, which includes an acceptable Internet statement (e.g., "Information regarding the contents and levels of metals in this product is available on the Internet at: <http://www.aapfco.org/metals.htm>."). Is it legal for a supplemental distributor to add the Internet statement on their supplemental distributor fertilizer/pesticide product labels when the master EPA label does not have this statement? (LC08-0197) 10/30/08

The label of a distributor product must be identical to the master label of the parent product, except as provided in 40 CFR 152.132(d). A supplemental distributor may not add statements such as that proposed in the question unless the master label of the parent product is amended to include the statement