

POM – Web Distributed Label Concerns and Questions from SFIREG Regional reports (Dec 9, 2024) located on AAPCO website [SFIREG – Association of American Pesticide Control Officials](#)

- Question from PRE-SFIREG: EPA recently registered a product with a portion of the label in a digital accessible format. Here is the link to that product:
https://www3.epa.gov/pesticides/chem_search/ppls/007969-00336-20240830.pdf
- Do SLAs in the Region have any experience with digital labeling such as this?
- Are there any questions or issues that need to be discussed regarding this form of labeling?

Overall Concerns

- Limited to no access to internet, electronic devices, cell data
- Enforcement
 - What information is in applicator's possession at time of application?
 - What requirements are there for applicators to review information available through QR code?
- website continuity, updates and notification to states.

Concerns by EPA Regional Reports

- **R1**: not all growers use or have access to electronic devices; concern with confusion
- **R2**: Questions did come up regarding compliance with the label for use inspections and how to determine which label was used
- **R3**: main question and concern is connectivity issues - Registering products with labels that have portions that are only available in a digital format leaves some applicators without access to label information
- **R7**: enforcement concerns / needing to understand what information is in the applicator's possession at the time of an application; what requirements are there for applicators to review information available on the QR code; website continuity, updates and notification to states.
- **R8**: What happens if the label changes and upon an inspection/enforcement it is not the one that was approved, but a version that was distributed or even briefly available, but later updated?
 - Jolynn with CO has seen and was shown QR codes and labels from some 25B and some claims of uses, efficacies, etc... on their labels are outlandish and of concern and some are not current or the QR code was going to an incorrect version of their label.
- **R10**: lack of cell service or easily accessible internet
 - ODA – The container label for Nealta Miticide on file with ODA (approved 5/14/2024) does not have a QR code.
 - Past experience with QR code on label that linked to entire EPA label on disinfectant product. we were surprised that there was an option to use a QR code, but that there were no restrictions or limitations on how the QR code could be used or what information could appear on the QR code-linked site. This product never ended up being registered. For more information, see 2021 Basecamp thread “QR Code on Virus Guard (EPA Reg. No. 85134-

1-97764)” and the current EPA label for 85134-1, just above the Storage and Disposal on PDF p. 9.

Overall Questions

- Could QR codes be a potential path for bilingual labeling?
- Can digital labels be used to hone in for specific uses, crops, etc, and reduce/remove guess work or uncertainty by applicators/users?
- what is a state’s responsibility to review QR code information during a state’s registration review process?
- what does the label on the product look like compared to the label submitted to a state for review?
 - Approved labels in some states did not include the QR code
- Are there plans for time stamped technology? and/or how to regulate the possibility for multiple label versions based on timing and QR codes?
- How will EPA address accessibility issues?
- See WA specific questions listed below (R10)
- Request for EPA: it would have been helpful if there were Note(s) to Reviewer on the EPA label imposing parameters on what must at least be on the container label vs. the QR code-linked site, if there are any restrictions on what can’t appear on the site without also appearing on the label, anything on how the information is to be presented, etc.

Questions by EPA Regional Reports

- **R5:** Could QR codes be a potential path for bilingual labeling? Can digital labels be used to hone in for specific uses, crops, etc, and reduce/remove guess work or uncertainty by applicators/users?
- **R7:** what is a state’s responsibility to review QR code information during a state’s registration review process; what does the label on the product look like compared to the label submitted to a state for review;
 - Several states had reviewed the status of the product in their respective states and were able to confirm product registration, but the approved labels did not include the QR code
- **R8:** Are there plans or are they going to be, or could be, or should be time stamped and/or how to regulate/navigate the possibility for multiple label versions based on timing and QR codes alongside other technology issues that can be imagined/have been stated/experienced
- **R10:**
 - What are EPA’s current criteria and expectations for WDL?
 - a. Does WDL bypass state review and approval of product labels?
 - b. WDL that requires consistency with the most recent master label, has potential to invalidate or supersede market/container labels in channels of trade. This has implications for both registration and enforcement.
 - c. Will EPA require submission of amended labels via notification? If not, how are SLAs expected to confirm that WDL has been added to the master label?

- Specific questions/concerns for the example Nealta product label:
 - a. Nealta master label provided as an example omits instructions specified in PRN 2014-1 on how to access WDL, including the unique identifier, the release for shipment date (or placeholder text), the format of that information, and how to locate that information on the label. Should SLAs expect to see those items on the market label? Will master labels include those items going forward?
 - b. The Nealta master label further states that the WDL is approved by US EPA and state lead agencies, which may falsely or prematurely imply approval of rendered output at the state level.
- What WDL guidance should SLAs refer to and does it differ from previously available references (e.g., PRN 2014-1, 2017 EPA presentation to AAPCO, EPA WDL website)?
- For states that do not review and approve EPA master labels for registration purposes, WDL must be available for the product/label registered in the state (which may differ from the master label).
- What are the expectations for adoption of WDL?
 - a. Is it expected to be only for certain types of products, or will it eventually apply to all products?
 - b. What is the anticipated timeline for adoption? Does EPA anticipate approving many WDL labels in the near future?
 - c. Is Nealta the first WDL label that EPA has approved?
- Current guidance implies that WDL is expected to match the current EPA master label, which may or may not correspond with actual distributed product labels. How will this be addressed?
 - a. If a newer master label exists, does that invalidate current container labeling if the container label has WDL access? This would seem to conflict with guidance that allows the user to choose to follow any one complete label version in case of conflict.
 - b. What constitutes a unique identifier on a product label (NOT the QR code) and what label changes would require a new unique identifier for a product label?
 - c. If multiple label versions with different unique identifiers are in the marketplace, will the registrant be required to maintain multiple WDL versions to match, or will all unique IDs direct users ONLY to the most recent master label version?
- What does EPA consider 'state approval' (in the context of WDL) and how should states address concerns with ABNs, sublabels, and actual market labels?
 - a. Is the WDL accessed required to be consistent with the most current EPA master label OR the most current approved state/market label? - These may not be the same! For example, subsets of use sites on disinfectant labels usually differ by distributor. For another example, Washington did not accept a new label that included incorrect application rates for certain crops, but did accept a sublabel for one crop.

- How does WDL address discrepancies between market and master labels, including allowable differences such as adjusted use rates (within an approved range), target pests (removed not added), crops/use sites (removed not added)?
- There is considerable potential for label version mismatches.
 - a. Master label-driven WDL has inherent potential conflicts with many container labels from Day 1. For example: i. ABNs ii. Sublabels iii. Distributor labels
 - b. Do other states formally review revised labels for acceptance prior to allowing distribution and use?
 - i. If yes, what will constitute 'state approval' of a revised label in the context of WDL?
 - ii. What are the concerns around lag time in submission and approval of revised labels? Not all states receive or approve the same version of a revised label at the same time, and not all states formally approve revised labels.
 - 1. Example: WA did not accept a revised label that omitted regional restrictions, but did allow continued distribution under a previously accepted label version.
 - c. For states with additional restrictions, unreviewed WDL may bypass state restrictions and requirements including state restricted use pesticides, state use restricted pesticides, dealer licensing, recordkeeping, etc.
 - i. If a product label requires retention of the label for records and state law does NOT require label retention, which is enforceable by the state?
- REQUEST: In this situation (QR linked to entire EPA Label), it would have been helpful if there were Note(s) to Reviewer on the EPA label imposing parameters on what must at least be on the container label vs. the QR code-linked site, if there are any restrictions on what can't appear on the site without also appearing on the label, anything on how the information is to be presented, etc. Otherwise, if the EPA label just permits a QR code generally, it is hard for us to push back on a registration application if we have concerns with what appears on the QR code-linked site.
- How will EPA address accessibility issues. If a Spanish speaking employee needs access to a label, how are they able to be WPS compliant if they do not have internet access?