



**Proceedings  
of the  
First National Symposium  
on  
Pesticide Labeling**

**Part II: Questions and Answers**

**June 3-4, 1974**



PROCEEDINGS  
OF THE FIRST NATIONAL SYMPOSIUM  
ON PESTICIDE LABELING

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## Part - II

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## TIME FACTORS

1. Q. On Oct. 21, 1974 when the EPA takes over the regulation of intrastate pesticides, how much time will be allowed to clear retail shelves of products not registered with EPA? Will a manufacturer be penalized if a product he sells in his own state on Sept. 30th is found in stores on Oct. 22nd of 1974, or say six months later?

A. EPA has not determined as yet how long a time period will be allowed to clear retail shelves of intrastate pesticides which have come within the Agency's jurisdiction. The second part cannot be answered without the first.

2. Q. Attention has been directed to the fact that there is an important need to expedite labeling...Making needed chemicals available to the consumer quickly after discovery. What plans does the EPA have for speeding up the labeling and registration process. (5)

A. We will utilize the product manager as a key person in expediting label review. The new reorganization plan will also make work flow more smoothly through the Registration Division.

3. Q. Why does it take ninety days or more for the EPA to answer a letter. (6)

A. I am sure that the figure of ninety days is not an average response time. Many letters are answered within one week of the time they are received. Letters dealing with decision making in problem areas often require more time to answer.

## ADVERTISING; BROCHURES

1. Q. Does the new law prevent an advertiser from pointing out that one pesticide is safer to use than another; that is, less toxic to humans and the environment?

A. Such safety comparative claims are not acceptable since they detract from precautionary labeling.

2. Q. Will submitted advertising literature (labeling) be stamped approved and returned by the same method used in the EPA registered labels? Have you or will you standardize the enforcement fines - will this be published?

A. EPA has prepared interim guidelines for assessing civil penalties that the Regional offices should follow. This schedule would have the regional offices base their assessment of a civil penalty on gravity of violation, including a firm's history of violations, size of firm, and ability to stay in business. This schedule will be published in the Federal Register in the near future.

## REGISTRATION AND ESTABLISHMENT NUMBER

1. Q. Should additional labeling material, i.e., a direction booklet which is registered carry the EPA registration number? What about carrying the establishment number?

A. Additional labeling material is not required to bear the establishment registration number. The establishment registration number is required to appear only on the label or immediate container of the pesticide.

2. Q. By law, must the EPA registration number and the EPA establishment number appear on a trade journal advertisement?

A. The establishment registration number is not required to appear in trade journal advertisements. It need appear only on the label or immediate container of the pesticide.

3. Q. The addition of the registration establishment number creates label control problems not the least being extra expense... What purpose will it serve? Does the establishment number have to appear on the immediate container label?

A. The purpose of the establishment registration number is to enable the Agency to determine the most recent producer of any given pesticide. This precise identification will also prove beneficial to producers in the course of EPA enforcement actions. For example, recalls required for grossly contaminated or deficient products can readily be pinpointed to a particular establishment rather than an entire company. The product registration number does not provide this identification. The establishment number must appear either on the label or the immediate container.

4. Q. Does the EPA establishment number have to appear parallel as does the EPA registration number?

A. The establishment registration number is not required to be parallel to other statements on the label. The only requirement is that this number be of a type size large enough to be legible.

5. Q. A pesticide is formulated by a company in Chicago and shipped to California in bulk for packaging by a second company in Calif. Should both EPA establishment numbers occur on the container?

A. When the pesticide formulated by a plant in Chicago is shipped to California in bulk it must bear the Chicago Establishment Registration number. After it is packaged in California, it should bear the California establishment number. The Chicago number does not apply to the formulated product.

6. Q. A comment on one of D. Campt's slides... "The establishment number is that of the producer" is somewhat misleading, unless the "producer" is construed to include the repackager.

A. The question reflects an understanding of the definition of "producer." It is true that a repackager is considered a producer for purpose of Section 7. The statement on the slide could be misleading to an audience unfamiliar with the section.

7. Q. The EPA establishment number has 17 digits. I don't know of any 17 digit coding equipment. What is the industry to do? How can they maintain plant manufacturing flexibility which is needed during the energy crisis?

A. The Agency has provided that a company may request special approval of a variation of the format for displaying the establishment number. The Agency has already granted approval on several formats which have reduced the length of the number by as many as six characters. It is acceptable for a number to be printed without the spaces & hyphens between the letters and digits to accomplish a reduction in size.

8. Q. As a retailer of pesticides we were required to register and get an establishment number. We register, but do not produce pesticides. What do we do with this number?

A. A pesticide retailer should not be registered as a producer if he does not perform any of the activities which are considered "production" e.g., manufacturing, preparing, processing or repackaging. If this retailer has registered, he should contact his EPA Regional Office and request that his establishment number be terminated. The Regional office would need to verify that his establishment did not need to be registered.

9. Q. Why is the EPA establishment number needed when the registration number already indicates the manufacturer?

A. The product registration number does not, in many cases, correspond to the actual producer of any given producer. The product registration number designates the registrant while the establishment number identifies the producer.

10. Q. In October, the 17 digit EPA establishment number must be on the container. What are contract fillers to do as there are no coders manufactured over 10 digits? The 17 digits include the spaces required.

A. If a coder cannot print more than 10 digits, an alternate method of affixing the establishment number must be used. Such alternatives are, inter alia, the use of a sticker label or pressurized labels. See number 10.

11. Q. Will the necessity for a firm to obtain an EPA establishment number also automatically require an EPA product registration number?

A. No. A firm may be producing without holding product registration.

**CLASSIFICATION**

**All questions asked within this area are unanswerable at this time.**

## LEGAL QUESTIONS

1. Q. What is a minor violation?

A. Minor violations are those violations of a lesser consideration where the Administrator has decided that criminal or civil proceedings are not necessary to protect the public interest. Corrective action can be achieved through correspondence with the firm. Examples of minor violations are precautionary statements not prominently placed upon a label, misspelling or typographical errors or small deficiencies which are not likely to affect the product's effectiveness.

2. Q. Is it illegal to use a pesticide at a lower rate than specified on the label?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

3. Q. Is it illegal to kill insects or diseases not specified on the label and if so, how does one avoid doing this?

A. It would not be illegal to kill insects or diseases which are not specified on the labeling (non-target organisms) if the product is being used in accordance with the directions on the label. It would be illegal to kill insects or diseases which are not specified on the labeling if the product was being used specifically against these insects or diseases. Care in selecting the pesticide to be used and in deciding the time to spray may help avoid indiscriminate killing.

4. Q. Is it illegal to use less applications and/or lower intervals (i.e., longer intervals than specified on the label)?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

5. Q. If the labeling of a pesticide applied to a crop prohibits feeding any part of the treated crop to livestock, and the pesticide user sells the treated crop as food to a second party, who then converts the crop to livestock feed use, is either the pesticide user or the crop buyer in violation of section 12(a)(2)(G) of FIFRA?

A. The pesticide user violates the Act and, depending on his knowledge, the crop buyer could be in violation of Section 12(a)(2)(G).

6. Q. Is it illegal to use a pesticide at a dosage lower or higher different than that on the label?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

7. Q. Is use of a pesticide at a rate lower than is given on the label a misuse or inconsistent with the label?

A. Use of a pesticide at a rate lower than that given on the label is use inconsistent with the label which would be misuse of the pesticide.

8. Q. The purpose of a label was stated as "not to cause undue contamination of the environment." Will FEPCA allow usage below the labeled dosage?

A. FIFRA, as amended, will allow use of pesticides only at that rate which is stated on the registered label. Use at a dosage below that on the label may necessitate additional applications which would not have been necessary had label directions been followed.

9. Q. Integrated control employs the use of insecticides at less than the recommended dosages. Programs are already in practice in several cases. Is this misuse?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

10. Q. What does "release for shipment" mean? This pertains to (1) in inspection procedures, and (2) need for registration of establishment numbers.

A. Released for shipment pertains to a condition whereupon a batch or a lot of pesticides are packaged, labeled and have been placed in an area of the establishment apart from the manufacturing area, if there be one, for distribution or sale.

11. Q. What is the status of the books and records guidelines?

A. The "Books and Records" regulations are presently undergoing interagency review and are expected to be published a short time after the start of FY 75.

12. Q. The law states that the label on the container should not be substantially different from that registered by EPA. What is meant by "substantially different"?

A. The term "substantially different" means any deviation from the registered label which may cause unreasonable adverse effects on the environment or harm to the user or non-target organisms including: lesser product effectiveness, illegal residues, phytotoxicity, and so on.

13. Q. How do you propose to get uniformity of enforcement between regions?

A. Uniformity between the regions has been achieved by the issuance of internal program direction and strategy from headquarters as well as such guidance as found in the Inspectors' and the Case Proceedings Manuals. In addition the Agency will be issuing Rules of Practice Governing Civil Penalty Assessments and an Assessment Schedule which will lay out the rules used by the Regional Offices to assess civil penalties and conduct hearings.

14. Q. It was stated that "recall is not specific sanction of the law." Is the recall mechanism; What are the criteria?, the procedures?

A. There is no explicit "recall" authority given to EPA through the FIFRA, however EPA can back up its voluntary recall requests with its stop sale and seizure authority (Section 13 of the Act). In connection with suspension and/or cancellation of a pesticide or finding of a gross violation of the Act, EPA may request that the registrant recall the problem product from the market. EPA will then contact the registrant to determine whether he intends to recall and to provide the procedures to be followed for a recall. EPA regional personnel supervise and monitor the recall until its completion. The initial decision that a product should be withdrawn from the market will be based on the information contained in the product's file, including sample analysis reports, Office of Pesticides Programs staff evaluation and other information that may be relevant. Recalls will be initiated in all cases where the available information indicates that the product is potentially hazardous when used as directed or ineffective for the purposes claimed.

15. Q. What if county agents or other officials recommend a chemical for a use not appearing on the company label. Can the establishment sell it to the customer requesting it?

A. An establishment which sells a pesticide for a use which does not appear on the label of that pesticide may be in violation of Section of the Act. In addition, the county agent who recommends such use may be in violation of State law.

16. Q. Could you please characterize the types of violations being found under the "civil penalties" program?

A. The types of violation being found under the civil penalties program are the same as those which have historically been found, that is, non-registration, misbranding, adulteration, as well as some new violations such as use inconsistent with labeling.

17. Q. As the regions are being given enforcement responsibilities, will enforcement policies be uniform between regions? What control over the regions will the Federal office have?

A. Uniformity between the regions has been achieved by the issuance of internal program direction and strategy from headquarters as well as such guidance as found in the Inspectors' and the Case Proceedings Manuals. In addition the Agency will be issuing Rules of Practice Governing Civil Penalty Assessments and an Assessment Schedule which will lay out the rules used by the Regional Offices to assess civil penalties and conduct hearings.

18. Q. What is the attitude of the EPA relative to using less than the amount of a pesticide specified on the label, i.e., using 1 lb./100 gallons rather than 1.5 lb./100 gallons?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

19. Q. What if the company has a registered label and farms it out for filling (Ex. - aerosol cans) - it could be filled by different companies in different areas. What establishment number is put on the printed label?

A. Each filler is considered a producing establishment and therefore must put its own establishment number on those products which it fills. This is an example of the case where the product registration number will be different from the establishment registration number.

20. Q. When the registered company sends chemicals in bulk for packaging (Ex. - aerosols), what establishment number on the can?

A. Bulk chemicals must bear the establishment number of the bulk producer when shipped to the packager. After packaging by the second company, the container must bear the establishment number assigned to the packager. The bulk producer's establishment number no longer applies.

21. Q. Why should violations be cited for misbranding when small quantities of a similar pesticide are contained in the same product, i.e., a product of 5% sevin cross-contaminated with .005% malathion?

A. A product is misbranded if another pesticide which is not noted on the label, is found in the product. Undeclared active ingredients can result in illegal residues and danger to human health and the environment. The Act requires the Agency to notify violators of the law, however, the Administrator may issue warnings for minor violations rather than proceed with a civil or criminal action.

22. Q. It was stated that the 1974 fiscal objective for enforcement was to issue approx. 1500 notices of violation, issue an estimated 200 stop sale, use and removal orders: and initiate approx. 500 civil and criminal actions. This is a quota system. Why run an enforcement program on this basis?

A. The FY 74 pesticide enforcement objectives did not constitute an Agency quota system but were part of an overall Management By Objectives system. Based on past history, and given a certain number of establishment inspections, use investigations, experimental permit monitoring, retail market surveillance and so on, each region stated that they expected to uncover an approximate number of violations which would lead to stop sales, civil and criminal actions, etc. These figures, number of stop sales, civil/criminal actions, import detentions, were therefore not objectives in the sense of quotas which the regions committed to and were held to by headquarters, but were instead, expected accomplishments. The Pesticides Enforcement program is based on having certain objectives which the regions commit to accomplishing such as establishment inspections, product samples, use surveillance, and from which a number of violations will most likely arise. These violations will then be prosecuted according to criteria as set forth by the Agency.

23. Q. How are you handling the inspection of registered producer-establishment not located in the United States?

A. At this point in time the Agency has no plans to inspect foreign (non-U.S.) pesticide producing establishments. However, we reserve the right to inspect such establishments at a later date.

24. Q. A label must be changed by reason of an EPA review, and/or recent regulations - What is the grace period permitted on old packages, inventory, labels, etc., before they must be disposed of?

A. EPA is in the process of developing new regulations for implementing Section 3 of the Act and this question may be answered by those regulations. At the present time a pesticide can be shipped only under the currently registered label.

25. Q. Does any statute prohibit the manufacture of a pesticide while registration is still pending?

A. Yes.

26. Q. In recent years, FDA has entered cooperative agreement with State regulatory agencies in order to utilize the inspection resources of such agencies. Does the EPA anticipate similar agreements?

A. EPA has entered into cooperative enforcement agreements with 5 states to date. In these agreements the States will be supplementing EPA in the areas of marketplace and use surveillance, as well as the collection and analysis of pesticide samples. EPA hopes to enter into cooperative agreements with all States.

27. Q. Please review the methods of objection by the enforcement agency with regards to: civil action, criminal action, and fines. Also, what is the recourse open to the manufacturer?

A. Under section 14(a) of the Act, the Agency is empowered to assess a civil penalty in the event of violations of any provision of the Act. In accordance with the interim Rules of Practice governing this section, published September 20, 1973 (38 F.R. 26345), a manufacturer who receives a civil complaint proposing to assess a civil penalty under section 14(a)(2) is entitled at his discretion to request a public hearing or to engage in settlement discussion with the Agency. In the event a criminal action is pursued under section 14(b), the defendant-manufacturer has recourse to remedies in a court of law.

28. Q. Can herbicides be used at a rate lower than those stated on the label under certain conditions (climatic such as high temperatures)?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

29. Q. Is EPA going to issue guidelines or regulations defining what is meant by "use inconsistent with the label"? If EPA is not going to do this, how will users know whether a particular deviation from the label is legal or illegal?

A. EPA has stated publicly what its position is with regards "use inconsistent with the label" and that is, such use is illegal. EPA does not intend to publish regulations or guidelines defining this, however, the question may be addressed in various enforcement pamphlets which are being prepared. Pesticide users should be aware however that any deviation from the labeling directions will be considered a violation of the Act.

30. Q. What is the legal meaning for "release for shipment"? Does it include intrastate transfers from the plant to remote warehouses?

A. Pesticides which are ready for movement from a manufacturing plant to a remote warehouse would be considered "released for shipment."

31. Q. If "produce" means propagate or distribute, wouldn't warehouses have to be registered as "producing establishments"?

A. No. Warehouses, in the narrow sense of the word, are not considered producing establishments.

32. Q. If a pesticide is produced at a registered establishment for export only, is it necessary to have the product registered?

A. No. Pesticides intended solely for export are required only to meet the specifications or directions of the foreign purchaser. The exported product is not required to be registered although the establishment in which it is produced must be registered.

33. Q. What is the acceptable manufacturing tolerance (%) for deviation from the label declaration of active ingredients?

A. Any deviation from the label declaration of active ingredients found in a formulated product could be considered, at the very least, a minor violation. The amount of deficiency or overage, the degree of hazard, and the affect on the product's effectiveness, all enter into the decision process as to how serious the deviation is.

34. Q. Is any deficiency regardless of how small, considered a violation?

A. Yes. However very small violations may not result in penalties.

35. Q. Section 9(c)(3) permits the use of warning for minor violations in lieu of instituting proceedings for prosecution ... if public interest can be best served. Does the same apply, i.e., under section 14(a) for assessment of civil penalties?

A. Under the Act, there are numerous actions which are authorized to be pursued in response to violations, including criminal and civil penalties under section 14, cancellation and/or suspension under section 6, and notices of warning under section 9(c)(3). In the event a violation is deemed to be so minor as not to warrant criminal or civil action under section 14, a section 9(c)(3) warning citation may be issued.

36. Q. Are State and Federal sample analysis programs to be coordinated or will both be working independently?

A. EPA has entered into cooperative enforcement agreements with 5 states to date. In these agreements the States will be supplementing EPA in the areas of marketplace and use surveillance, as well as the collection and analysis of pesticide samples. EPA hopes to enter into cooperative agreements with all States.

37. Q. In the past nine months there has been an increase in plant inspections, enforcement actions, increased requests for data designed to help the enforcement of FIFRA. Does the pesticides enforcement division have a plan for detailed education of the manufacturers?

A. EPA will be publishing various pamphlets which should serve to educate the public (including pesticides producers) as to the role of enforcement in regards to the FIFRA. In addition EPA inspectors in the course of conducting establishment inspections have been instructed to discuss the new amendments to the Act and to distribute copies of the Act, regulations and any other relevant information. This along with the publicity that EPA gets when an enforcement action is taken has helped to educate the pesticide producers.

38. Q. How many times has section 12 of FEPCA been used to prosecute parties who have misused a pesticide?

A. At the end of fiscal 1974, it was estimated there had been no more than ten actions brought under section 12(a)(2)(G) of the Act for use inconsistent with label directions.

## REGISTRATION PROCEDURES

1. Q. EPA personnel enjoy using the phrase "unreasonable adverse effects to the environment." Please define. Why use such an undefined phrase in a basic explanation of EPA policy or requirements?

A. The term "unreasonable adverse effects" is defined under section 2(bb) of the Federal Insecticide, Fungicide, and Rodenticide Act as "Any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."

2. Q. What is the environmental protection benefit of using the minimum dosage specified by labeling for a pesticide, instead of using an even lower dosage which the user knows is adequate for his crop protection purposes?

A. Dosages submitted to the EPA for registration of specific pests are backed up by objective data. If lower dosages will do an effective job then data supporting this should be submitted for our review.

3. Q. Is it permissible to include both "pounds and kilograms" on the same label? Would it be permissible to go exclusively to the metric system on the label?

A. At this point and time it would not be permissible to use the metric exclusively on the label. In developing the Section 3 regulations, consideration is being given to whether or not we are prepared to, at this time, permit the use of both systems of measurement on the labeling. A phase-in program will probably be the method if we go to the metric system. The Section 3 regulations will speak more clearly on this issue.

4. Q. Which federal agency has jurisdiction when a product has an EPA registration number but is considered a drug by the FDA?

A. The FDA and the EPA have published in the Federal Register an Interagency agreement concerning areas of mutual responsibility relating to products that are pesticides and drugs. This agreement lists products that are considered primarily a drug and those considered primarily a pesticide. Those products considered primarily a drug would be handled by FDA and those considered primarily a pesticide would be handled by EPA, however, in no case would either agency accept a product unless and until the other Agency has informed it that the product is in compliance with the laws administered by that Agency.

5. Q. Is it feasible to have the same person handle all dealings on any particular application as a means of establishing better communications?

A. Yes, the product manager will function along this line of reasoning. However, it is impossible for one person to do everything.

6. Q. Several observations and comments have been made regarding labeling of devices. I understand EPA does not register devices, however. How then does EPA handle labeling of devices? How is misbranding and illegal use of devices determined?

A. Under Section 25(c)(4) of the Act the Administrator by regulation may specify by regulation which classes of devices shall be subject to the provisions of section 2(q)(1) of the Act with regard to misbranding and to section 7 requiring registration of establishments producing such devices. As of this time no regulations pursuant to Section 25(c)(4) have been issued.

7. Q. Why is no speaker nominated from insecticide formulators?

A. Due to time limitations, we felt that one speaker representing a specific area of expertise would be sufficient or in some cases one person speaking for many disciplines. We know that this meeting could not and did not represent each and every person who would have liked to have been heard, however regional meeting will accomplish many things not accomplished here.

8. Q. What may a producer do to modify EPA thinking regarding labeling found to be inadequate through field or practical experience to avoid possible misuse or excessive hazard?
- A. Should a producer determine that current directions for use reflected in his accepted labeling may be insufficient to avoid misuse or hazard, it is incumbent upon him to bring that matter to the Agency's attention. He should seek expeditious review of labeling revisions designed to ameliorate possible hazards or misuse.
9. Q. Does the label have to state "For aerial application"? Do all pest and hosts for which a material will be used have to appear on the label and/or labeling?
- A. A label must bear directions for aerial application if that mode of application is to be used. If a pest being controlled by chemical Z is not on a label for chemical z then the applicator is misusing the pesticide.

10. Q. A pesticide is approved for use on Plant "A" for control of Pest "X", but not for Pest "Y" even though it will control pest "Y" (possibly even better than Pest "X"). What is EPA's attitude toward use of the pesticide to control Pest "X" from the standpoint of food plants, ornamental plants, commercial operations, and home owner?

A. It is illegal to use a pesticide in any manner which is inconsistent with the labeling such as, at a lower rate than that specified on the labeling. Discretion remains with EPA to determine the severity of the violation and whether it merits assessment of a penalty. The Agency will decide each matter on a case-by-case basis allowing the rule of reason to apply.

11. Q. Have you heard of the study which determined that children seem attracted to the skull and crossbones on labels because of its remainder of pirates? I heard of this from a public relations firm.

A. No, we have not. If you know of such studies please submit them to the new Standards and Labeling Section in the Registration Division.

12. Q. How do I determine whether to apply to USDA for approval of a product versus applying to EPA for a registration number?

A. The EPA has taken over all pesticide registration functions from the USDA per Presidential Order which created us into an Agency on December 2, 1970. The USDA no longer registers pesticides.

13. Q. Can labels be printed and used with changes... such as company name change, brand name change, and layout of label as long as no other changes are made? These labels would be sent to EPA on the amended form.

A. Any changes in your label and/or labeling must be approved by the EPA before entering it can be used in interstate commerce.

14. Q. What new regulations might we see in the next few years governing the disposal of pesticide containers?

A. Recommended procedures for disposal and storage of pesticides and containers have been published pursuant to section 19(a) of the Act (39 F.R. 15236). These procedures will be modified and updated as circumstances dictate. It is anticipated that label revisions will be required of certain products to reflect disposal procedures pursuant to registration requirements.

15. Q. If the active ingredient is produced at one location and the formulated product containing that active ingredient is preferred at another location, which location is the pesticide establishment?

A. Both locations are producing establishments. The active ingredient must bear the establishment number of the ingredient producer when shipped to be formulator. After formulation, the product will bear the establishment number assigned to the site of formulation.

16. Q. You suggest that insects (and other pests) be grouped together to simplify labeling. Would you include Green Bugs under aphids? Would you also include green peach aphids under aphids?

A. Unless a pesticide is effective against all the aphids known to be pests on a particular crop, separate listings of the individual aphids would be required. This would include green peach aphids.

17. Q. Can mites (either as a group or specific species) be claimed as a pest on livestock and the product sold for mange control?

A. Mites can be claimed as pests on livestock and the product sold for mange control if in fact the data support the claim.

18. Q. I would like to receive clarification on current status of pesticide registration as it relates to use in eating establishments. How does the crack and crevice policy relate to this?

A. A statement of policy with respect to use of insecticides in food handling establishments was published in the Federal Register on August 10, 1973 (38 F.R. 21685). Use of residual pesticides for treatment of cracks and crevices in food handling establishments in addition to uses authorized on the labels of such products was permitted with respect to a discrete list of sixteen products. Such use was conditional on immediate application for registration of such product and registration within six months of the notice date, or no later than February 2, 1974.

19. Q. If a material is registered and the label states "ornamentals including..." is the material limited to those hosts named?

A. It is limited to ornamentals of the type illustrated by these named.

20. Q. On the net contents statement, what are the accepted limits above and below the stated net?

A. There are no acceptable limits above or below the stated net weight.

21. Q. The slide on label requirements indicated that the address of both the producer and the company produced are required -- is this correct?

A. Only one address is required on a label. An unqualified name and address given on the label is considered to be that of the manufacturer. If the registrant's name appears on the label and the registrant is not the manufacturer, or if the name of the person for whom the pesticide was manufactured appears on the label, it must be qualified by appropriate wording, such as "packed for...", "distributed by...", or "sold by..." to show that the name is not that of the manufacturer.

22. Q. What if a company manufactures a chemical with wide usage. On his label, he claims only a few of them. A bid is taken for the chemical being manufactured, but the material will be used for some insect that does not appear on the registered label. Can he sell the material as long as it is the chemical requested?

A. The label registered must bear claims for all insects to be controlled at point of application.