



October 17, 2019

ENF 19-16

TO: County Agricultural Commissioners

SUBJECT: PARAQUAT LABELING CHANGES

Paraquat dichloride (paraquat) is a California restricted material and a federal Restricted Use Pesticide (RUP). As discussed at the California Agricultural Commissioners and Sealers Association (CACASA) Spring Conference, the U.S. Environmental Protection Agency (U.S. EPA) required registrants of products containing paraquat to make changes to product labeling and packaging. This letter summarizes those changes, gives a status update, and provides guidance on the licensing requirements for products bearing the newly revised labeling.

U.S. EPA Background

A single sip of paraquat can be fatal. Since 2000, accidental ingestion of paraquat has caused 17 deaths nationwide. Many of these deaths resulted from people illegally transferring paraquat to beverage containers and the victim later mistaking it for a drink. In addition to deaths by accidental ingestion, three deaths and many severe injuries were caused by the pesticide getting onto the skin or into the eyes of those working with it.

To mitigate these hazards, U.S. EPA implemented three phases of requirements for registrants to make changes to paraquat product labeling and packaging:

- In Phase 1, registrants were required to submit product labeling revisions to U.S. EPA for acceptance adding statements to:
 - Highlight the toxicity of the product,
 - Restrict use to certified applicators only, and
 - Require each certified applicator to complete a U.S. EPA-approved paraquat training program.
- In Phase 2, registrants were required to:
 - Submit to U.S. EPA the closed system prototype or schematics to minimize decanting into non-pesticide containers,
 - Submit to U.S. EPA finalized certified applicator training materials, and
 - End registrant distribution of products which do not comply with Phase 1 requirements by November 14, 2019.
- In Phase 3, registrants were required to submit new labeling to U.S. EPA to implement the closed system labeling requirement and packaging which is closed system-ready. These amendments have not yet been accepted by U.S. EPA.

Current Status of Labeling Revisions

Currently, ten paraquat products are registered in California by several registrants. The Department of Pesticide Regulation's Registration Branch has accepted revised Phase 1 U.S. EPA-accepted labeling for six of the ten products, and three are pending review. Registrants may already be selling and distributing products bearing the newly revised DPR-accepted labeling. Some registrants made various changes to their labeling, in addition to those highlighted below.

The Phase 1 Revisions

The revised paraquat labeling for Phase 1 includes the following:

1. The RUP box at the top of each paraquat label now states¹:

**RESTRICTED USE PESTICIDE
DUE TO ACUTE TOXICITY**
FOR USE ONLY BY CERTIFIED APPLICATORS – NOT TO BE USED BY
UNCERTIFIED PERSONS WORKING UNDER THE SUPERVISION OF A
CERTIFIED APPLICATOR.

This means the product is for use **only** by a certified applicator and prohibits use by uncertified persons working under the supervision of a certified applicator. This restriction applies to all paraquat handling activities (including mixing, loading, and applying). Uncertified individuals (i.e. individuals who are not certified private or commercial applicators) must not handle paraquat. If any uncertified individual handles a paraquat product bearing this labeling restriction, the use is in conflict with the registered labeling and in violation of Food and Agricultural Code section 12973. This requirement applies equally to both growers and pest control businesses using products with labeling bearing this requirement.

Licensing requirements:

A grower or grower employee applying paraquat in accordance with the revised labeling must have a:

- Private Applicator Certificate,
- Qualified Applicator Certificate (QAC) with Category D, or
- Qualified Applicator License (QAL) with Category D.

Pest Control Business employees must have a QAC or QAL with the appropriate category or a Journeyman Pilot Certificate (apprentice pilots are not certified applicators).

¹ Note that some labels were inadvertently accepted by U.S. EPA with "FOR RETAIL SALE AND USE ONLY BY CERTIFIED APPLICATORS" in the RUP box. U.S. EPA has stated the labels should not have included the "retail sale" phrase and will need to be amended during Phase 3.

2. A statement that the “U.S. EPA-required Paraquat Training Program” is required to be completed by certified applicators using this product. This training is available on a website indicated on the label; the applicator is issued a certificate upon completion.
3. Stronger tank mix statements (for example “Users must follow the most restrictive directions... of each product in the tank mixture.”) and information on management of paraquat-resistant weeds.
4. Standardized precautionary statements, personal protective equipment, and restricted entry intervals across all products.
5. Other supplemental warning materials: cap warning sticker, product safety requirements sticker on the container, and a “counter card” to be distributed with every container.

Future Changes

As part of Phase 3, paraquat product labeling and packaging will include a requirement to use U.S. EPA-approved closed system for mixing and loading. Reminder: even in the absence of labeling requiring use of a closed system, in California labeling with a precautionary statement “Fatal if absorbed through skin” or “Corrosive, causes skin damage” or other similar language used for the production of an agricultural commodity triggers the requirement in Title 3 California Code of Regulations, section 6746 to use a closed mixing system.

Products in the Channels of Trade

Registrants cannot distribute products which do not comply with Phase 1 labeling requirements after November 14, 2019. After that date, existing stock with labeling not bearing the Phase 1 restrictions may continue to be used until the stock is exhausted. As with most other labeling requirements, the product labeling attached to the container controls the use of the product.

Also, as discussed at the CACASA Spring Conference, counties may wish to implement county-specific permit conditions.

If you need further assistance, please contact the Enforcement Branch Liaison assigned to your county.

Sincerely,

Original Signature by:

Donna Marciano
Chief, Enforcement Branch
916-324-4100

cc: Mr. Joe Marade, DPR Agricultural Commissioner Liaison
Enforcement Branch Liaisons