

Guidance for Formulators of End-Use Products Containing Atrazine

1. Why You Are Receiving this Letter

You are receiving this letter because your company holds registrations for end-use products containing the active ingredient atrazine. In late May, EPA reached agreement with the registrants of all existing atrazine manufacturing-use products to modify certain uses. A copy of the Memorandum of Agreement (MOA) is attached. The measures agreed upon will provide among other things, a greater margin of safety for children as required by the new more stringent safety standards in the 1996 Food Quality Protection Act amendments to the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).

As a result of the cancellation and replacement registration of all atrazine technical products under the MOA, no technical product containing atrazine may be used to formulate an end-use product after November 15, 2004 unless the end-use product bears EPA approved labeling consistent with the terms of the agreement. EPA intends to specify terms that are consistent with the MOA under which existing stocks of cancelled atrazine technical products may be used after the date of cancellation. Any use of a technical atrazine product inconsistent with these restrictions will be considered a violation of section 12 of FIFRA and subject to civil and/or criminal penalties.

In addition, by specifying these end-use product label modifications in the January 2003 Interim Reregistration Eligibility Determination (IRED) for atrazine, EPA has determined that these terms are necessary to prevent unreasonable adverse effects on the environment. Consequently, all end-use product labels will need to be modified for the 2005 growing season. The purpose of this letter is to advise you how your products will be affected and inform you of the actions you must take to continue producing end-use products containing atrazine. If you do not take the actions set out in this letter, EPA may take appropriate regulatory action with respect to your products.

2. What Products Are Affected?

EPA believes that all atrazine products will be affected by this action. Details of these changes are given in Section 5, below.

3. What You Must Do

In order to ensure continued production of your end-use products after November 15, 2004, you must submit to EPA an application for amended registration (according to section 3(c)(7)(A) of FIFRA) that is consistent with the terms of the MOA, as explained in this letter. Your application should not include changes other than those submitted to comply with the terms of the MOA. Specifically, no uses other than those currently on product labels may be added. Uses will only be deleted or modified in accordance with the MOA. Because this is an Agency initiated action, there will be no fees charged under the Pesticide Registration Improvement Act of 2003 (PRIA).

Provided applications are submitted no later than September 15, 2004, EPA will make every effort to ensure that amended product labels will be approved prior to November 15, 2004 so that production of your end-use products containing atrazine will not be disrupted. While EPA will process applications after that date, EPA will only give priority treatment to applications for amended registration received by September 15, 2004, and therefore cannot ensure that applications for amended registration received after that date will be approved by November 15, 2004. Further, EPA will give priority treatment only to applications for amended registration if the registrant has also submitted requests for amendments for all of their atrazine products affected by the MOA. Finally, if you should elect not to submit voluntary requests for amendments as outlined in this letter, please be advised that EPA may initiate regulatory action.

In addition, because of the findings EPA made in the atrazine IRED, all atrazine products used in the 2005 growing season (i.e. after January 1, 2005) need to have the amended directions for use specified in the MOA. Recognizing that you may have already produced and sold atrazine end-use products that do not bear those directions for use, EPA has developed a generic supplemental label for atrazine end-use products. A copy of the supplemental label is attached and an electronic version of the supplemental label can be obtained by contacting Eric Olson at olson.eric@epa.gov. EPA will allow you to provide the enclosed generic supplemental labeling to anyone who purchased atrazine products from you prior to November 15, 2004, and will allow those products to be affixed with a sticker directing users to follow the supplemental labeling. EPA will allow the sticker to be affixed under your direction and supervision, by persons other than your employees even in an establishment that does not have an EPA establishment number, provided that you comply with the reporting requirements of this paragraph. You must submit a report to EPA by December 31 in any year in which such relabeling occurred that identifies all individuals or entities to whom you provided replacement labels, the locations at which relabeling occurred, the registration numbers of the relabeled products and the number of units relabeled at each location. The reports shall be filed with the Chief, Agricultural Branch, Office of Compliance (2225A), Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency.

In summary, in order to ensure continued production, sale, and distribution of your atrazine end-use products after November 15, 2004, you must submit an application for amended

registration, consistent with the instructions in this letter, no later than September 15, 2004. A check list for preparing your submissions is given in Section 7, below.

4. Provisions of the Memorandum of Agreement

EPA and the registrants of all existing atrazine manufacturing-use products manufacturers of atrazine have agreed to certain use modifications and restrictions. The following is a brief narrative summary of the provisions of the agreement. See the attached label table for the corresponding label changes that will be needed.

All Products

- All products must bear language that ensures that it will be compliant with terms and conditions set forth in the January 31, 2003 IRED.
- All products must bear language that informs users that use in a prohibited area per the MOA is a violation of federal law.
- All products (except products with < 4% a.i.) must bear language that informs users of their obligation to contact the Atrazine Watershed Management Information Center (AWMIC) to determine whether the use of this product is prohibited in your watershed prior to using the material. This will include specific contact information.

Agricultural Products

1) Mixing/Loading Scenarios:

A) Liquids:

- require closed systems for mixing/loading to support aerial applications at greater than 3 lb ai/A
- all mixers/loaders (including using engineering controls) must wear long-sleeve shirt, long pants, shoes, socks, chemical-resistant gloves and chemical resistant apron

B) Wettable Powders:

- require water-soluble packaging for all WP formulations
- all mixers/loaders must wear long-sleeve shirt, long pants, shoes, socks, chemical-resistant gloves and chemical resistant apron

C) Dry Flowables:

- water-soluble packaging optional
- if in water-soluble packaging, all mixers/loaders must wear long-sleeve shirt, long pants, shoes, socks, chemical-resistant gloves and chemical resistant apron
- if not in water-soluble packaging, mixers/loaders must wear coveralls over long-sleeve shirt and long pants, chemical-resistant gloves, chemical-resistant footwear, and chemical-resistant apron plus a NIOSH-approved dust/mist filtering respirator with any N, R, P, or HE filter

- if not in water-soluble packaging, aerial application is prohibited
- D) Granular Products:
- Loaders must wear long-sleeve shirt, long pants, shoes, and socks
- 2) **Applicator and Flagger Scenarios:**
- A) Pilots must use enclosed cockpits (40 CFR 170.240(d)(6)) for aerial applications.
- B) Human flaggers supporting aerial applications must use enclosed cabs (40 CFR 170.240(d)(5)).
- C) Applicators applying sprays with motorized ground equipment (i.e., groundboom or rights-of-way sprayers) must wear long-sleeve shirt, long pants, shoes, socks, and chemical-resistant gloves.
- D) Applicators applying granular products or impregnated fertilizer must wear long-sleeve shirt, long pants, shoes, and socks.
- 3) Restrict the impregnation of bulk fertilizer to commercial facilities (prohibit on-farm impregnation).
- 4) Restrict the impregnation of dry bulk fertilizer to 500 tons per day for no more than 30 days per calendar year per facility.
- 5) Reduce the maximum application rate for handlers applying liquids with rights-of-way sprayers to 1.0 lb ai/A.
- 6) Reduce the maximum application rate for liquids for chemical fallow to 2.25 lb ai/A.
- 7) Require a 60-day PHI for field corn forage uses.
- 8) Require a 45-day PHI for sweet corn forage uses.
- 9) Require a 60-day PHI for preemergent uses and a 45-day PHI for postemergent sorghum forage uses.

Non-Agricultural Products including Lawns and Turf (not Sod Farms)

- 1) Require that all wettable powder products be packaged in water soluble bags.
- 2) Granular formulations: loaders, applicators, and other handlers must wear long-sleeve shirt, long pants, shoes, and socks.
- 3) Liquid, wettable powder, dry flowable (water-dispersible granule) formulations:
- A) applicators using spray equipment mounted on their backs must wear coveralls worn over long sleeved shirt and long pants, chemical-resistant gloves and chemical-resistant footwear plus socks.
- B) all other mixers, loaders, applicators, and other handlers must wear long-sleeved shirt and long pants, shoes and socks, and chemical resistant gloves.
- 4) Reduce the maximum single application rate for liquid formulations on residential lawns and turf to 1 lb ai/A from 2 lb ai/A (liquid products containing >4% ai are restricted use).
- 5) Require that granular lawn products be watered in.

Homeowner Products

- 1) Restrict the application of granular lawn products when using hand-held devices (e.g. belly grinder) to spot applications only.
- 2) Prohibit applications of granular lawn products by hand.
- 3) Reduce the maximum single application rate for liquid formulations on residential lawns

- and turf to 1 lb ai/A from 2 lb ai/A (liquid products containing >4% ai are restricted use).
- 4) Require that granular lawn products be watered in.

Label Harmonization

- 1) Atrazine products containing >4% active ingredient must be classified as restricted use.
- 2) Maximum broadcast application rates for corn and sorghum must be as follows:
 - A) Where both a preemergence and a postemergence are used, the total atrazine applied in the preemergence PLUS postemergence treatment cannot exceed 2.5 lb ai/A/calendar year.
 - B) 2.0 lb ai/A as a single preemergence application on soils that are not highly erodible or on highly erodible soils if at least 30% of the soil is covered with plant residues; or
 - C) 1.6 lb ai/A as a single preemergence application on highly erodible soils if <30% of the surface is covered with plant residues; or
 - D) 2.0 lb ai/A if only applied postemergence.
 - E) For all tank mixtures and sequential treatment of products containing atrazine, the total lbs. a.i. of atrazine applied cannot exceed the application limits described above.
- 3) Maximum application rates per crop must be as follows (single application and annual maximum):
 - A) Conifers 4 lb ai/A; 4 lb ai/A per year maximum.
 - B) Sugarcane 4 lb ai/A (single application); 10 lb ai/A per year maximum.
 - C) Rights-of-Way/Roadsides Treatment 1 lb ai/A; 1 application per year.
 - D) Guava 4 lb ai/A (single application); 8 lb ai/A per year maximum.
 - E) Macadamia Nuts 4 lb ai/A (single application); 8 lb ai/A per year maximum.
 - F) Conservation Reserve Program (CRP) 2 lb ai/A .
 - G) Chemical Fallow 2.25 lbs ai/A.
- 4) Delete all uses for total vegetation control on non-cropland areas. This does not include rights-of-way/roadsides or CRP.
- 5) Prohibit use in chemigation systems.
- 6) Product must not be mixed or loaded, or used within 50 feet of all wells, including abandoned wells, drainage wells, and sink holes. Operations that involve mixing, loading, rinsing, or washing of this product into or from pesticide handling or application equipment or containers within 50 ft. of any well are prohibited, unless conducted on an impervious pad constructed to withstand the weight of the heaviest load that may be positioned on or moved across the pad. Such a pad shall be designed and maintained to contain any product spills or equipment leaks, container or equipment rinse or wash water, and rain water that may fall on the pad. Surface water shall not be allowed to either flow over or form the pad which means the pad must be self-contained. The pad shall be sloped to facilitate material removal. An unroofed pad shall be of sufficient capacity to contain at a minimum 110% of the capacity of the largest pesticide container or application equipment on the pad. A pad that is covered by a roof of sufficient size to completely exclude precipitation from contact with the pad shall have a minimum containment of 100% of the capacity of the largest pesticide container or application

equipment on the pad. Containment capacities as described above shall be maintained at all times. The above-specified minimum containment capacities do not apply to vehicles when delivering pesticide to the mixing/loading.

- 7) Prohibit mixing and loading within 50 feet of intermittent streams and rivers, natural or impounded lakes and reservoirs.
- 8) Prohibit application within 66 feet of the points where field surface water runoff enters perennial or intermittent streams and rivers. If land is highly erodible, the buffer must be planted to the crop or seeded with grass or other suitable crop.
- 9) Prohibit application within 200 feet of natural or impounded lakes and reservoirs.
- 10) Require that one of the following restrictions be used in applying Atrazine to tiled-outletted fields containing standpipes
 - A) Do not apply within 66 feet of standpipes in tile-outletted fields
 - B) Apply this product to the entire tile-outletted field and immediately incorporate it to a depth of 2-3 inches in the entire field
 - C) Apply this product to the entire tile-outletted field under a no-till practice only when a high crop residue management practice is practiced. High crop residue management is described as a crop management practice where little or no crop residue is removed from the field during and after crop harvest.

5. New End-Use Product Labeling Under the MOA

The Label Table is attached and is provided as a summary of the provisions of the MOA to aid you in amending your labels. Please note that this table is the "Label Table" from the atrazine IRED. Because of the large number of labels involved, please note that applications for amended registration submitted in response to this letter should not include changes other than those submitted to comply with the terms of the MOA. Please do not request additional or new use sites, changes to first aid statement, or any changes to the use directions other than those specified below. If you wish to make label changes in addition to those submitted to comply with the terms of the MOA, please do so as a separate request after September 15, 2004. In addition, a generic atrazine end-use product supplemental label is attached for use with products that were released for shipment prior to November 15, 2004. If you wish to provide supplemental labels and stickers to prior purchasers of your end-use products, please include this in your application.

6. Key Dates

- **September 15, 2004**---Submit applications for amended registration to EPA no later than this date to ensure timely review and uninterrupted production.
- **November 15, 2004**---No manufacturing-use product containing atrazine may be used to formulate an end-use product after this date, unless the end-use product bears EPA approved labeling consistent with the terms of the MOA.

7. Procedure for Submissions

The following checklists are provided to assist you in making complete submissions. EPA will make every effort to ensure that complete submissions made no later than September 15, 2004 will be approved prior to November 15, 2004, so that production of your end-use products with uses that are not terminated under the terms of the agreement will not be disrupted.

For Applications for Amended Registrations:

Clearly and prominently mark both the envelope and cover letter "**in response to the Atrazine MOA**"

Your cover letter must include:

- The following certification statement:

"This amendment is consistent with the provisions of the Atrazine MOA and no other changes have been made to the labeling of this product. I understand that it is a violation of 18 U.S.C. §1001 to knowingly and willfully make any materially false statement or representation to EPA."

Include an Application for Pesticide Registration (form 8570).

Include five copies of draft labeling that is consistent with the terms of the MOA.

Include one copy of your current label marked-up to show which portions of the label are being amended.

No citation of data or offer of compensation is required because no new uses may be added as part of this action. Registrants may, of course, subsequently request amendments to add permitted uses. Such requests must be accompanied by all required data or citations to data.

A new formulator's exemption form for products using a registered source of active ingredient is **not required** if the applicant's source product was not changed from the current CSF and the source remains registered.

Mail your applications for amendment to:

Document Processing Desk (**Atrazine MOA**)
Office of Pesticide Programs (7504C)
US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Attention: Jim Tompkins, HB, Registration Division (7505C)

For **deliveries by courier** the address is:

Document Processing Desk (**Atrazine MOA**)
Office of Pesticide Programs (7504C)
Room 266A, Crystal Mall 2
US Environmental Protection Agency
1801 South Bell Street.
Arlington, Va. 22202

Attention: Jim Tompkins, HB, Registration Division (7505C)

8. Contact for More Information

If you have questions related to the Memorandum of Agreement, this letter, or submission of your label amendments, you may contact Jim Tompkins, Atrazine PM, in the Registration Division at (703) 305-5697, or Eric Olson, Chemical Review Manager, in the Special Review and Reregistration Division at (703) 308-8067.

For more information on the atrazine risk assessment visit our web site at:
www.epa.gov/pesticides

Debra Edward, Ph.D., Director
Special Review and Reregistration Division

Attachments
cc: Lois Rossi