UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

March 4, 2022

Draft Dicamba Terms and Conditions for Registrant Review

Notes:
1. "Registrant" to be replaced with individual company names in final amendment letters.
2. "XX/XX/2022" to be the signature/completion date of this amendment action.

Draft Terms and Conditions:

"Registrant must comply with all the following terms and conditions:

1. After XX/XX/2022, all production of new product must bear the revised label.

2. ~~All existing product in the possession of Registrant as of XX/XX/2022 must either be relabeled to bear the revised label or shipped along with approved collateral labeling referencing the website described in 3.b. The collateral labeling will be disseminated through the training and through the registrant's website, as described in 3.b-3.d. For product that is still in the possession of the registrant, the registrant must incorporate the changes at a registered establishment. Such product may be completely relabeled or it may be shipped with this collateral labeling. Relabeling, including addition of collateral labeling, must be conducted at registered establishments only and must be reported as production.~~

3. Product labeling approved prior to XX/XX/2022 is now superseded by the revised labeling. Therefore, to ensure that products are not misbranded or misused, and appropriate labeling is in the possession of users for the 2022 growing season, the following terms and conditions are required.

    a. Any sale or distribution of this product by Registrant that is not labeled with the approved collateral labeling as described above will be considered a violation of FIFRA and may be subject to EPA enforcement. Some of these enforcement measures may include, but are not limited to, the issuance of Stop Sale, Use or Removal Orders (SSUROs) and/or the assessment of penalties.

    b. For all existing products that are in the possession of Registrant or were released for shipment and are in the channels of trade prior to XX/XX/2022, Registrant must make the amended labeling available as described below.

        i. By YY/YY/2022, a new page on Registrant's website must be created with the url(s) provided on the accepted new label where the user will be able to access additional labeling requirements for this registration in a downloadable format.

ii. By YY/YY/2022, copies of the amended labeling must be announced and posted in a prominent location on all Registrant websites that advertise or provide information about this product, including, Product main page (www.xxxxxxxxx.com), *list other pages as needed*, and *final page*, and retained until the expiration date of this registration unless superseded by subsequent approved labeling.

iii. By YY/YY/2022, a banner containing the following must be prominently displayed at the top of all Registrant websites that are part of labeling ~~advertise or provide information about this product~~, including the URLs listed above.

1. "ATTENTION: YOU MUST HAVE ALL LABELING APPLICABLE TO YOUR LOCATION IN YOUR POSSESSION FOR THIS PRODUCT TO BE LAWFULLY APPLIED AFTER XX/XX/2022."
2. ~~A copy or link to a copy of the amended labeling with approval date.~~
3. ~~After XX/XX/2022, Registrant has provided amended labeling for this product and users are under legal obligation to follow amended labeling.~~
4. It is a violation of FIFRA Section 12 to use a registered pesticide in a manner inconsistent with its labeling.

c. Registrant must communicate the availability of and requirement for ~~purchasers~~ users to follow the amended labeling when using products that were sold or distributed prior to XX/XX/2022 in the annual Product education and training program, including in written educational communications. The training course must provide users with the amended labeling and must discuss the requirement to visit the listed website. Materials must emphasize that:

i. Users must obtain a copy of the amended labeling (which includes the approved collateral labeling referenced above and labeling downloaded from the listed website, as applicable), which must be in possession of the user at the time of application.

ii. After XX/XX/2022, users of this product must follow the amended labeling they receive during training.

d. Registrant must contact all users who have already completed the 2022 training in states where there are EPA-approved state-specific restrictions to communicate ~~to take additional training to cover the~~ the state-specific updates on the amended labeling required for use in the 2022 season and a website link to the amended labeling. ~~This may be a training that covers only this element, but it must be~~

~~communicated that this training is required to meet the training requirement for use of Product in the 2022 season.~~

e. Registrant must send a report to EPA by ZZ/ZZ/2022 detailing its efforts to accomplish all of the above. Registrant must maintain copies of any correspondence it sends to all sellers, distributors, and purchasers and make them available to EPA upon request.

4. Registrant must communicate the availability and requirement to adhere to the amended labeling.

   a. Registrant must add the amended labeling to their training and educational materials and have website links to copies of the current approved labeling.

   b. The educational and training materials supporting this labeling change must be disseminated to state pesticide authorities and state agricultural extension services to support those authorities in assisting users in their local area.

   c. Registrant will send, either to a valid and appropriate e-mail address and/or via mail, correspondence to all known sellers and distributors of this product to notify them of these changes.

References to the company's website on the label becomes labeling under FIFRA and therefore the website is subject to review by the Agency."