UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

March 10, 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.
3. Blue and green text = new since previous EPA/registrant call on this topic.

Draft Terms and Conditions:

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

1. All product produced, packaged, and/or released for shipment beginning XX/XX/2022 + 30 days and thereafter must bear the new final printed labelling or be shipped along with approved collateral labelling referencing the website described in 2.b. Registrant must ensure all production activities take place in an EPA-registered establishment and that all production is reported pursuant to FIFRA section 7.

2. Product labeling approved prior to XX/XX/2022 is now superseded by the revised labeling.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 after XX/XX/2022 + 30 days that is not labeled with the approved label or 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 product in the possession of Registrant or released for shipment and are in the channels of trade prior to XX/XX/2022 + 30 days, Registrant must make the amended labeling available as described below.

        i. By XX/XX/2022 + 3 business days, 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 XX/XX/2022 + 3 business days, copies of the amended labeling must be announced and posted in a prominent location on all Registrant

websites that are part of labeling and be retained until the expiration date of this registration unless superseded by subsequent approved labeling.

iii. By XX/XX/2022 + 3 business days, a non-closeable banner containing the following must be prominently displayed at the top of all Registrant websites that are part of labeling. This banner must be posted until the expiration date of this registration unless superseded by subsequent approved labeling.

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 unless prominent label links are visible upon reading banner.
3. "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 users to follow the amended labeling when using products that were sold or distributed prior to XX/XX/2022 + 30 days in the annual Product education and training program, including in written educational communications. This information must be incorporated into the training as of XX/XX/2022. 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 take the following actions to contact all users who have already completed the 2022 training in states where there are EPA-approved state-specific restrictions to communicate the amended labeling. This will be done by sending all users who have already completed the 2022 training either (1) an email containing an ask for them to respond with a certification statement acknowledging that they have read and understood the new requirements or (2) a physical letter containing a reply postcard acknowledging receipt stating they have read and understood the new labeling requirements. If Registrant does not receive the email response or reply postcard within two weeks, Registrant must contact that user two additional times. The second contact attempt must be made

by repeating the initial method of contact. Next, if no reply is received one week after the second contact attempt, the Registrant must follow-up another time with an alternative reasonable means of contact to receive documentation from the user acknowledging that they have read and understood the new labelling requirements. If a valid phone number is used as the method for making the third contact attempt, Registrant must solicit the user during that phone call to either mail or email them an acknowledgement that they have read and understand the new labeling requirements. Records of these contact attempts and replies must be kept by Registrant and shared upon request.

e. Registrant must send a report to EPA by XX/XX/2022 + 45 days detailing its efforts to accomplish all of the above. A copy or a link to the copy of the training materials must be included with this report. Registrant must maintain copies of any correspondence it sends to all sellers, distributors, and purchasers and make them available to EPA upon request.

3. 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. Registrant will send a copy of this correspondence to EPA prior to distribution of these materials. This draft correspondence will be sent to EPA by XX/XX/2022 + 5 business days. EPA will be offered at least seven days to review and EPA comments must be incorporated into the final materials.

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