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Conditions for Minimum Risk Pesticides

Disclaimer about Minimum Risk Pesticide Web Content - These Web pages provide guidance to persons who are interested in manufacturing, selling or distributing minimum risk pesticides under 40 CFR 152.25(f). This guidance does not create any binding requirements, although it refers to existing statutory and regulatory requirements and guidance. More...

A minimum risk product must meet the six conditions listed below. A product that meets all of these six conditions then is exempted from regulation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), i.e., the pesticide product does not need to be registered with EPA. However, states may require registration under state laws.

For further information see 40 CFR 152.25(f).

Overview | Condition 1 | Condition 2 | Condition 3 | Condition 4 | Condition 5 | Condition 6

Condition 6: Label Statements

The label cannot include any false or misleading statements, as described in 40 CFR 156.10(a)(5)(i) through (viii).

Examples of Label Statements that can be False or Misleading

- Statements concerning the composition of the product.
  - Example: “Chemical-free”

        - Minimum risk pesticide products are composed of chemicals that are listed on the product label.
        - The use of the term “chemical-free” may be an attempt to convey that the product does not pose risk. However, the use of such a claim is not based on facts and may be considered false or misleading.
        - Consumers could misunderstand such a claim to be a safety claim.

- Statements about the effectiveness of the product as a pesticide or device.
    - Examples:
        - "Kills all insects"
        - "Kills many insects"
        - "Repels all insects"
    - These label claims may imply a misleading range of effectiveness.
    - However, “Kills many insects as listed below" or “Kills the following insects” may be acceptable.

- Any statement directly or indirectly implying that the pesticide or device is recommended or endorsed by any agency of the federal government.
    - Example: “Recommended by EPA as safe and exempt.”
        - This type of statement leads the consumer to believe that the federal government has made such a determination for a particular product.
        - Because EPA does not review exempted products, this type of statement is misleading.

- The use of certain statements that are required to be on the label of a registered pesticide product may imply review or acceptance of the minimum risk product by EPA, when such review has not occurred.
    - Examples:
        - "It is a violation of federal law to use this product in a manner inconsistent with its labeling.
        - "EPA registration number" or "EPA establishment number"
    - Consumers could mistakenly assume, based on these statements, that EPA or another federal agency has reviewed or accepted the product.

Website and Advertising Materials

- The producer’s website and other advertising materials cannot include any false or misleading statements.
    - Similar to the other examples, an EPA-issued company number on the Web page of a company offering minimum risk products for sale, with no EPA-registered products offered

for sale, could cause a consumer to believe that the products offered for sale are recommended or endorsed by EPA.

- Many websites offer testimonials and endorsements from satisfied customers.
  - As an example of a potentially problematic endorsement, the picture of a health professional (white coat and stethoscope) next to an endorsement could cause a consumer to believe that the product is endorsed by the medical establishment.
  - Such claims should be accompanied by name, affiliation, and credentials of the expert making the endorsement, so consumers have the ability to judge the relevance of the claim.

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