

LABEL DISCLOSURE OF INERT INGREDIENTS

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Petitions for Disclosure on Pesticide Labels

- August 2006: two similar petitions from NGOs and States
- Identified over 350 inert ingredients as hazardous, based on existing lists and authorities
- Requested that EPA use authority in 40 CFR 156.10(g)(7) to require disclosure:
 - “The Administrator may require the name of any inert ingredient(s) to be listed in the ingredient statement if he determines that such ingredient(s) may pose a hazard to man or the environment”

Partial Grant of Petitions

- EPA agreed with petitioners that consumers should know the identities of hazardous components of pesticides
 - But further development necessary on hazard criteria
 - Many implementation issues
- EPA response is to initiate rulemaking, beginning with Advance Notice of Proposed Rulemaking (ANPRM)

Two Approaches

- Hazard-based disclosure
- Broad disclosure of inert ingredients irrespective of hazard
- One or both approaches may be pursued
 - Comment solicited on compatibility of the two approaches

Hazard-Based Disclosure

- Determine list of ingredients, or criteria for listing
 - ANPRM includes proposed criteria; other ideas sought
- Identities of eligible ingredients would be listed on label
 - Comments solicited on alternative forms of disclosure (e.g. web)

Hazard-Based Disclosure

- Registration standard under FIFRA
§3(c)(5): no unreasonable adverse effects on the environment
 - A cost/benefit standard
- Formulations with less hazardous materials but same functionality expected to have more favorable cost/benefit ratio
 - Soliciting comment on this proposition; specific examples the most helpful

Hazard-Based Disclosure

- EPA may take actions to encourage products with better cost/benefit ratios
- Label disclosure would accomplish this via consumer choice
 - The Toxic Release Inventory has had a similar effect

Broad-Based Disclosure

- Policy not motivated by hazard but by transparency
- Goal is to make broadest disclosure possible
- Policy constrained by confidentiality
 - ANPRM asks registrants and producers to take a close look at when confidentiality truly needed
- Solicit other ideas for achieving broad disclosure within CBI constraints

Commenting on ANPRM

- ANPRM identifies many issues and questions for comment
- Participation of regulated community is essential to developing a workable rule
- Specific examples and creative ideas will be extremely helpful