

## **100% Repacks and Alternate Formulations/Sources**

### Overview

EPA's Office of Pesticide Programs and Office of General Counsel developed written policy guidance in 2005 that allowed use of alternate formulations/sources for 100% repack registrations. The purpose of the guidance was to specify policy compliance requirements, including those addressing data compensation concerns. Thus, all repack product labels must contain only uses present on all alternate source labels, or the repack registrant must submit a data compensation form. In late 2008, CPDA learned that EPA was developing a new policy that would prohibit use of alternate formulations in a single repack registration and require a separate registration number for each alternate formulation. CPDA staff and five CPDA members then met with EPA Registration Division personnel in early 2009 to urge the Agency not to change the 2005 policy. The CPDA contingent described the numerous adverse impacts of such a change on multiple sectors of the agricultural pesticide industry, and asked EPA staff to provide the rationale for making the change. It was clear from their response that they were not fully aware of the 2005 policy, and EPA management representatives acknowledged that they did not fully consider the nature and scope of the impacts of changing the policy. They also confirmed that they would need time for additional internal discussions about the Agency's rationale for the change, and the impacts on the pesticide industry, before meeting again with CPDA. EPA subsequently informed CPDA that their internal deliberations would take much longer than anticipated, so CPDA continued to maintain periodic contact with EPA on this issue.

### Update

In June 2010, EPA provided CPDA with its new guidance on 100% repacks. The guidance maintains the 2005 policy of allowing alternate formulations/sources, and provides much more clarification for EPA staff to make consistent registration decisions about these products. This was a very favorable outcome for this issue and illustrates the importance of working with EPA in a manner that is consistent with the Agency's internal procedures and personnel dynamics.