

Florida Policy For Certain Pesticide Substances Exempt From Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA Section 25(b))

Minimum Risk 25(b) Pesticides:

Effective May 6, 1996, the Environmental Protection Agency (EPA) exempted products containing thirty-one (31) pesticidal active ingredients and one hundred sixty (160) inert ingredients from FIFRA regulation. EPA concluded exemption of these products would not pose unreasonable risks to public health or the environment.

This federal rule also allows states such as Florida, whose pesticide laws do not allow for such exemptions, to continue enforcement of their state provisions. As such, the following conditions/requirements must be met in order to apply for registration for pesticide products subject to FIFRA section 25(b).

Registration Requirements

1. The initial application package submitted to the Florida Department of Agriculture and Consumer Services (FDACS) for review and subsequent registration must include the following:
 - Each product brand name (including alternate product brand names) must be registered and a \$700 fee submitted biennially (\$350 during even-numbered years).
 - If paying online, go to the site provided below to pay the appropriate fee and receive an FDACS e-Gov Center Confirmation Page: <https://egc.FDACS.gov>
 - The word: EXEMPT should be entered in the eGov form when the prompt asks for an EPA/FLORIDA Number.
 - For alternate payment instructions, please contact the Pesticide Registration Review Section (contact information is located at the end of this document)
 - Each product's label must meet the requirements stated in the 25(b) Minimum Risk Pesticide Label Requirements section below.
2. Upon completion of the transaction, the resulting confirmation letter of payment shall be mailed to the Department together with the following documents:
 - One final printed pesticide label
 - Safety Data Sheet (SDS).

25(b) Minimum Risk Pesticide Label Requirements

All Product labels and claims on the company's website must comply with the 6 conditions outlined by EPA, they are summarized below (#1-6). Some additional FDACS requirements are included.

1. Active Ingredients

- a. Active ingredients are the ingredients that kill, repel, or mitigate the pests identified on the product label. If an ingredient does not perform one of these functions, then it is an inert ingredient (or impurity) and should not be identified as an active ingredient

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on the label. To be considered minimum risk, the product's active ingredients must be only those listed in 40 Code of Federal Regulations (CFR) 152.25(f)(1).

- b. Products intended for use on food-use sites (e.g., used on food, food crops, food contact surfaces, or animal feed commodities) can only include active ingredients with applicable tolerances or tolerance exemptions in 40 CFR 180.
- c. Sodium Lauryl Sulfate only has a tolerance exemption for food contact surfaces per 40 CFR 180.940.

2. Inert or Other Ingredients

- a. Inert ingredients are defined as all ingredients (other than impurities) that are not active ingredients. The only inert ingredients that may be used in the product (according to 40 CFR 152.25(f)(2)) are those that the EPA has classified as:
 - i. Inerts Approved for Use in Minimum Risk Pesticide Products (As described in 40 CFR 152.25(f)(2)(iv))
 - ii. Other items with minimum risk tolerance exemptions in 40 CFR 180.950:
 - 1. commonly consumed commodities - 40 CFR 180.950(a)
 - 2. animal feed items – 40 CFR 180.950(b)
 - 3. edible fats and oils – 40 CFR 180.950(c)
- b. Products intended for use on food-use sites (e.g., used on food, food crops, food contact surfaces, or animal feed commodities) can only include inert ingredients with applicable tolerances or tolerance exemptions in 40 CFR 180.

3. Ingredients Listed on Label

- a. All the ingredients in an exempted product (both active and inert) must be listed on the label
 - i. Under the heading “Active ingredients”, all active ingredients must be listed by label display name and percentage (by weight).
 - ii. Under the heading of “Inert or Other Ingredients”, all inert or other ingredients must be listed by label display name.
- b. The ingredients statement should be listed in column form on the front panel of the pesticide product label.
- c. Inert ingredients are to be listed on the label in order of highest percentage to lowest percentage.
- d. The combined percentages of active and inert or other ingredients must equal 100%.

4. Health-Related Claims

- a. The label cannot state or imply that the product can or will control or reduce organisms that pose a threat to human health, or insects or rodents carrying diseases (i.e. controls ticks that carry Lyme disease).

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- b. The label cannot claim to control or reduce microorganisms (i.e. bacteria or viruses) that pose a threat to human health (i.e. sterilize, disinfect, sanitize, kill germs)
- c. Symbols and terms implying safety or non-toxicity (i.e. clinically proven, scientifically proven, certified germ killer medical seals of approval) cannot be used as a claim.
- d. A claim to clean food contact surfaces, such as countertops and sinks, or to kill odor-causing bacteria on food contact surfaces is also acceptable, but must have the appropriate tolerance or tolerance exemption in 40 CFR 180.

5. Company Name and Contact Information

- a. The name of the producer of the company for whom the product was produced and the company's contact information, which includes a street address, City, State, ZIP code and phone number must be displayed prominently on the product label.
- b. If the company whose name appears on the label is not the producer, the company name must be qualified by appropriate wording to show that the name is not that of the producer (i.e. "packed for [name]", "distributed by [name]", "sold by [name]")

6. Label Statements

- a. False or misleading statements. The product must not include any false or misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).
- b. Examples of false or misleading statements are as follows:
 - i. "Chemical Free"
 - ii. "Kills all insects"
 - iii. "Recommended by EPA as safe and exempt"
 - iv. "It is a violation of federal law to use this product in a manner inconsistent with its labeling"

7. EPA Registration Exemption Claim

- a. A statement that the pesticide is EPA exempt must appear on the label. Examples of label wording are as follows:
 - i. "EPA EXEMPTED PRODUCT"
 - ii. "This 25(b)product is exempt from registration with the Federal Environmental Protection Agency under FIFRA regulations"
 - iii. "This product has not been registered by the United States Environmental Protection Agency. [The name of the company] represents that this product qualifies for exemption from registration under FIFRA"
 - iv. An acceptable equivalent for review and acceptance by Florida.
- b. Final printed labels must not bear EPA registration or establishment numbers.

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8. Signal Word and Keep out of Reach of Children Statement

- a. Signal Word and Keep Out of Reach of Children statement are to be located prominently on the front panel of the label.
- b. The use of “Caution” as a signal word or the lack of a signal word on the label is generally acceptable. Signal words greater than Caution may be acceptable under the following circumstances and will be reviewed on a case by case basis:
 - i. If a fire hazard exists due to the use of the pesticide product (i.e. incense, candles, etc.)
 - ii. If the signal word is justified by the Safety Data Sheet (SDS) documents.

9. Additional 25(b) Label Guidance

- a. The use of the terms “Organic” or “Certified Organic” in reference to a 25(b) product may or may not be acceptable based on the guidance below.
 - i. Individual ingredients in a 25(b) product may be listed as “grown organically”. Proper documentation may be required to substantiate this claim.
 - ii. The use of the term “organic” is acceptable when used in connection with one of the following statements: “For Use in Organic Production”, “For Use in Organic Gardening”, “For Use on Organic Turf” and “OMRI Listed.”
 - iii. The use of the USDA Organic logo is not acceptable on any labeling.
- b. “Natural” claims are NOT allowed for ingredients that are considered synthetic chemicals or are derived synthetically.
 - i. Synthetic ingredients include, but are not limited to, sodium lauryl sulfate, isopropyl myristate, isopropyl alcohol, malic acid, potassium sorbate, citric acid, sodium benzoate, benzoic acid and xanthan gum are synthetic chemicals and are therefore not considered natural.
- c. Claims such as “Safe” or “Safe around children and pets” are acceptable only when accompanied by the qualifier “...when used as directed”.
- d. Non-toxic claims are not acceptable.
- e. Images of children should not be on labels unless the product is intended for use on children or is a swimming pool product.
- f. Labels must include directions for use and specific use site locations.

10. Additional Requirements for Products For use on low-THC (tetrahydrocannabinol) Cannabis or Medical Marijuana

Effective March 25, 2016, Section 381.986(6)(a)1., Florida Statutes, authorizes licensed medical cannabis dispensing organizations to use pesticides determined by the Department of Health (DOH), after consultation with the Florida Department of Agriculture and Consumer Services (FDACS), to be safely applied to plants intended for human consumption.

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As such, the following conditions must be met in order to apply for registration for pesticide products intended for low-THC Cannabis or Medical Marijuana pursuant to DOH rule 64-4.013 of the Florida Administrative Code “Pesticide Use on Medical Marijuana”.

- a. Pesticides that are classified as “minimum-risk” and exempted from federal registration under 40 Code of Federal Regulations (CFR) 152.25(f);
 1. The active and inert ingredients found in the pesticide are exempt from the tolerance requirements set forth pursuant to 40 C.F.R. 180 subpart D **and**
 2. The pesticide is registered with the Florida Department of Agriculture and Consumer Services pursuant to section 487.041, Florida Statutes, and rule 5E-2.031 of the Florida Administrative Code, with a label that indicates that the pesticide had been approved for “use on low-THC cannabis or medical marijuana”
- b. It is preferred that the required phrase “approved for use on low-THC cannabis or medical marijuana” be located on the front center panel of the label.

Other Resources:

Helpful links and additional information regarding Pesticide Product Registration can be found on the website of Florida Department of Agriculture & Consumer Services/Division of Agricultural Environmental Services/Pesticide Licensing/Pesticide Product Registration.

<https://www.fdacs.gov/Business-Services/Pesticide-Product-Registration>

For More information, please contact:

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