Pesticide Service Container Labeling

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NDA
Nevada Department of Agriculture

Public and environmental safety

- The NDA contends that **clear, concise definitions** of what constitutes a service container and what constitutes an application device will eliminate ambiguity in NAC.

- Further, the NDA has demonstrated there is a clear need for labeling requirements on service containers and application devices being transported and stored.

- Labeling requirements for application devices will increase industry compliance and enhance public and environmental safety without causing undue burden to the pesticide industry.

Background

- 2014 and 2016/17 the NDA proposed definitions for containers that store pesticides and for those used to apply pesticides, and to determine labeling requirements that would comply with federal law.

- After several public workshops, a small group in the pest control industry voiced strong opposition to proposed modifications of the labeling requirements for containers and for defining different containers used in pest control.

- In spring of 2017 the NDA conducted a study to determine the levels of compliance within the pest control industry regarding labeling of containers and the accuracy of product formulations (dilutions) present in storage containers and application devices.

Proposed definitions

Service container

a container that is not the original pesticide container that is filled with a state registered pesticide to store or transport concentrated or diluted pesticides.

Application device

equipment, including, without limitation, handheld sprayers, truck-mounted sprayers and towed equipment, used during the course of applying pesticides.

Proposed labeling requirement

Existing code

(NAC 555.445)

All service containers used to store or transport diluted pesticide requires the following labeling:

1) Name, address, and telephone number of the business.
2) Name of the pesticide, preceded by the word "diluted".
3) Registration number assigned to the pesticide by the EPA or the Department for the pesticide, preceded by the words "derived from".
4) Name and percentage of the active ingredient.
5) Precautionary (signal) word from the registered label.

Proposed revision

(specifically for application devices)

"An application device used by a licensee in the field of urban and structural pest control to store or transport liquid pesticide must bear a label identifying the pesticide."

Labeling and dilution study

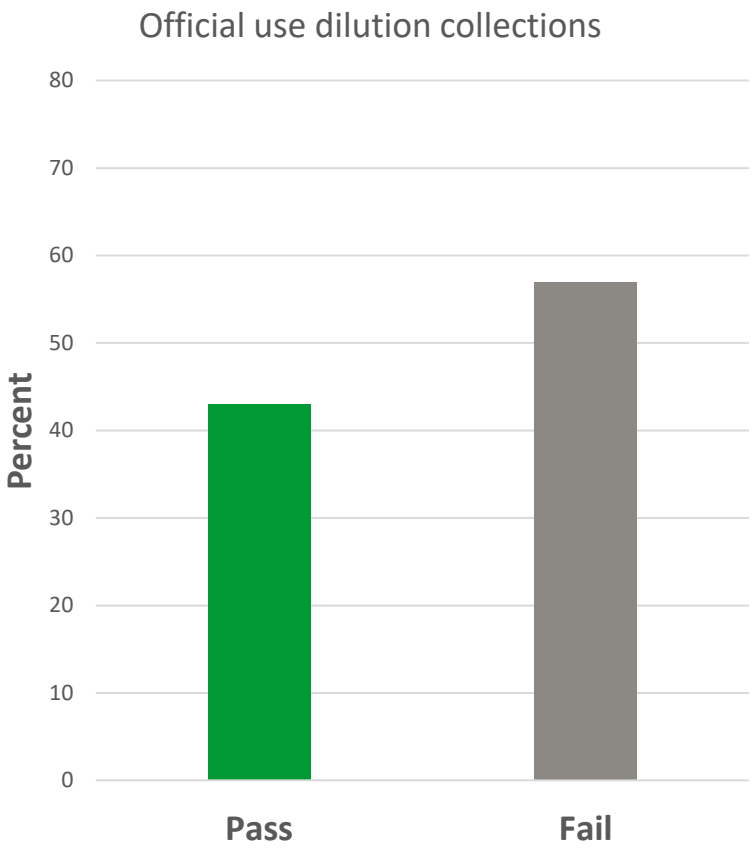
January – June 2017

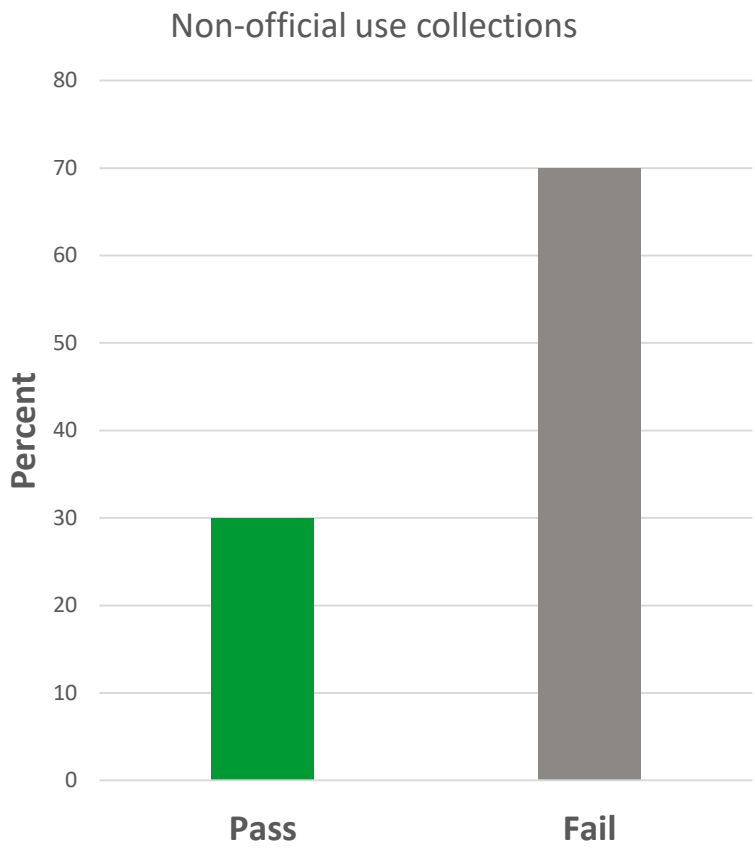
- During a typical NDA inspection of a pest control operator and vehicle, a sample is taken from the formulation the operator is using for the application and analyzed by the NDA Chemistry Laboratory to determine compliance to instructions for use on the pesticide label, and for records accuracy.
- A total of 102 samples were collected and analyzed from 69 inspections representing 40 different pest control companies in the Las Vegas Valley. Samples were divided into "official" (those derived from containers the applicator was actively applying to a home or structure) and "non-official" (samples taken from containers or devices that were on the service vehicle but were not actively being used by the applicator). Compliance for non-official samples was based on what the operator indicated to the inspector was in the containers or what was indicated on the label if one was attached to the container.

Product use and dilution inspections

- **Samples processed by the NDA PI Chemistry Laboratory are assessed using the following concentration range criteria:**
  - Less than 80% of claim = Deficient
  - More than 150% of claim = Excess

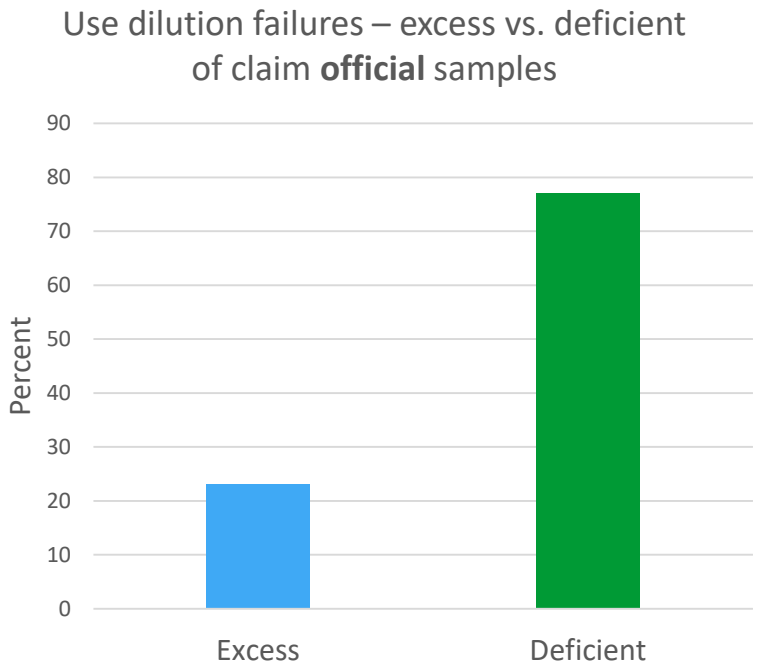
January – June 2017 study

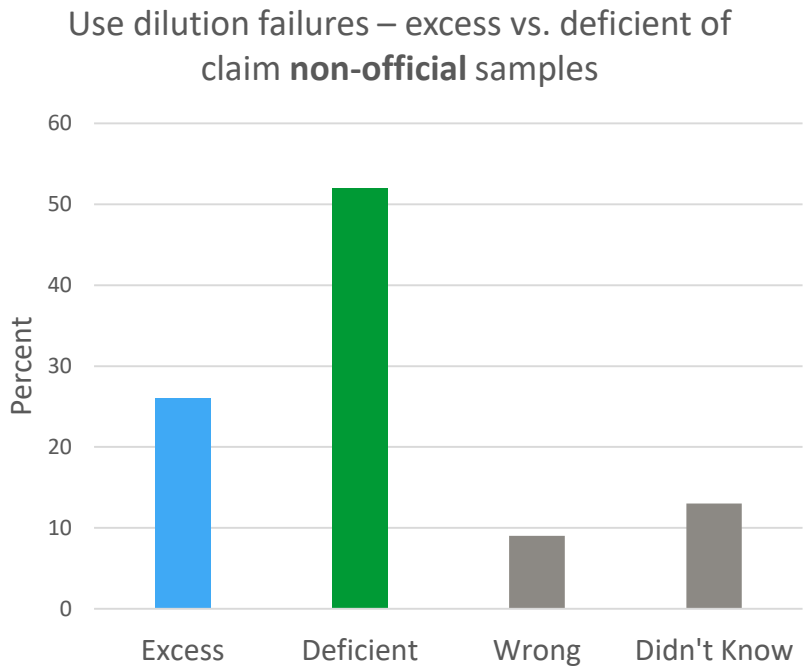




Failed test analysis

For both official and non-official samples, the results of the laboratory analysis of samples that **failed** to contain formulations within the acceptable range (80 – 150% of claim or indicated on a label) were assessed by reason for failure.



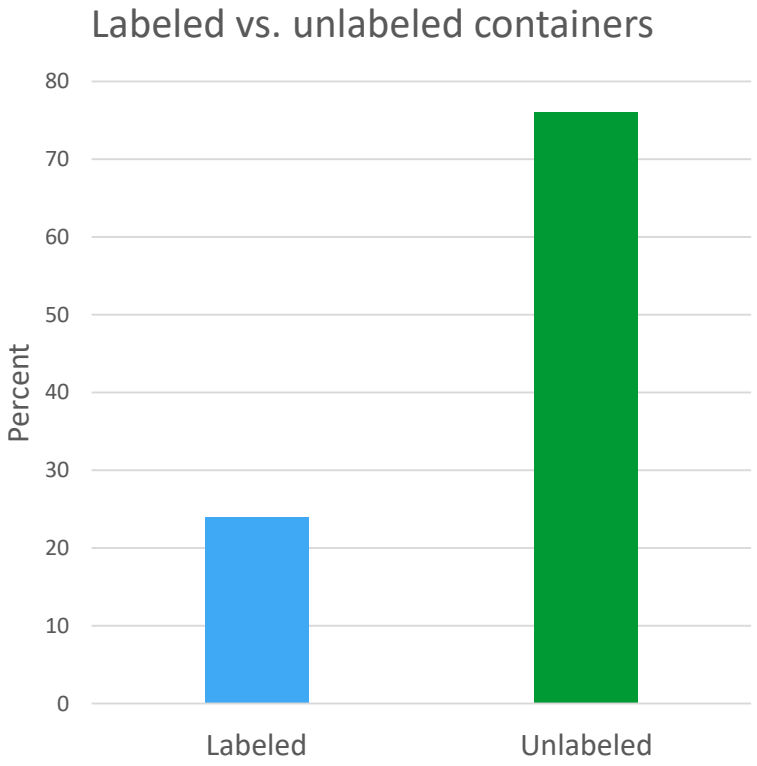


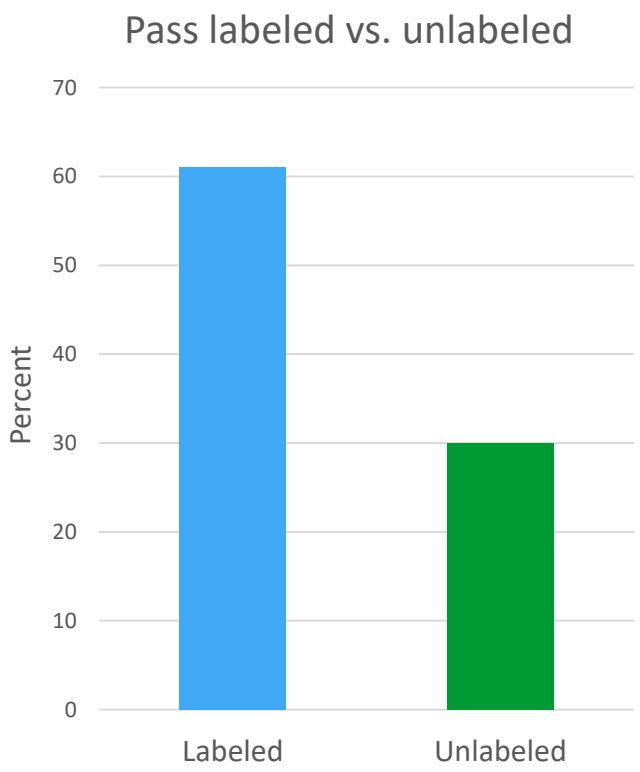
Labeling and dilution study

- During the collection of official and non-official samples, inspectors recorded the presence or absence of any sort of identifying label on the container that was sampled.
- A comparison of labeled vs. unlabeled containers for both official and non-official samples was conducted to determine any differences in compliance based on the presence or absence of an identifying label on the containers.

Labeling and dilution study

Do the presence of labels on containers increase the incidence of compliance?





Examples of labeling

Conclusions

- A substantial percentage of commercial product applications are conducted using dilution formulations inconsistent with label directions and applicable pesticide laws.
- Labeling of all service containers including application containers/devices utilized for storage or transport increases the probability that an applicator is applying product at proper dosages and knows what is in each container on the service vehicle.