



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C., 20460

OFFICE OF
PREVENTION, PESTICIDES AND TOXIC
SUBSTANCES

**NOTICE TO DISTRIBUTORS, RETAILERS, AND PCOs REGARDING
CHLORPYRIFOS PRODUCTS
LABELED FOR PRE-CONSTRUCTION TERMITE USE**

August 30, 2005

As of December 31, 2005, chlorpyrifos products may no longer be distributed, sold, or used for pre-construction termite control. This restriction is the result of a June, 2000, agreement between the U.S. Environmental Protection Agency and the manufacturers of chlorpyrifos to phase-out most residential uses of these products. This notice provides important information for sellers and users of chlorpyrifos products labeled for pre-construction termite use to make informed decisions about managing their existing inventory of chlorpyrifos products and what they may need to do with stocks of these products remaining after December 31, 2005.

EPA's goal in issuing this notice is to identify companies or individuals that anticipate having remaining stocks of these products after December 31, 2005, and to work with them and their State pesticide regulatory officials sooner rather than later to develop strategies for lawfully depleting those stocks. This notice is intended to give an overview of potential options and contact information. Specific solutions may vary by location, amount of stock remaining, and current labeling.

What products are involved?

Agency records indicate that there are currently eight active registered products containing chlorpyrifos that have labeling for the pre-construction termiticide use. However, any product, including any sub-registrations, containing chlorpyrifos with labeling for the pre-construction termiticide use is affected.

<u>EPA Reg. No.</u>	<u>Product Name</u>	<u>Manufacturer</u>
19713-518	Drexel Chlorpyrifos Termiticide	Drexel Chemical Co.
33658-11	Navigator 4TC	Gharda USA, Inc.
48273-14	Pestban TC	Marman USA, Inc.
51036-122	Chlorpyrifos Termite Concentrate	Micro Flo Company
55431-1	Termiticide T/C	Arizona Chemical Group Inc.
62719-47	Dursban TC	Dow AgroSciences LLC
66222-17	Pyrinex	Makhteshim-Agan
67760-10	Cyren TC	Cheminova Inc.

What is the EPA's authority to enforce stop-sale and stop-use?

Cancellation orders for deletion of the pre-construction termite use have been published in the Federal Register. See the Federal Register website at: <http://www.epa.gov/fedrgstr/>. Once there you can search by category and date.

65 FR 76233-76240, published December 6, 2000
66 FR 7753-7759, published January 25, 2001
66 FR 47481-47485, published September 12, 2001
67 FR 3698-3700, published January 25, 2002

The existing stocks provisions of these Notices provide that the distribution, sale or use of any product bearing instructions for pre-construction termiticide use will not be lawful under FIFRA after December 31, 2005, unless prior to that date, EPA has issued a written determination that such use may continue consistent with the requirements of FIFRA. EPA has made no such determination and expects that the December 31, 2005 stop-use date will remain in force for any product containing chlorpyrifos that is labeled for pre-construction termiticide use.

Does the stop-sale and stop-use apply to the entire product or just the pre-construction use?

The stop sale and stop use restrictions apply only if the product labeling bears the pre-construction termite use. After December 31, 2005, these products can continue to be used lawfully for other labeled uses, provided they are relabeled, stickered or bear supplemental labeling either deleting or expressly prohibiting the pre-construction termite use.

How can relabeling or stickering be accomplished?

Manufacturers have agreed to work with States and EPA to provide stickers or supplemental labeling in situations where this may be needed. Stickers must be on the product at the point of sale; however, it is acceptable to attach the stickers to product earlier in the channels of trade.

The sticker should state the following: "It is unlawful to use this product for pre-construction termiticide treatments after December 31, 2005." The sticker cannot obscure or block other labeling.

A sticker may be attached to a box that holds multiple containers of product if a label, that complies with Section 2(q)(2) of FIFRA, appears prominently on the box. If this label language does not appear prominently on the box, stickering will be required on the individual containers within the box.

If the product is sold or distributed in individual containers, the individual containers must be relabeled or stickered.

If an entire pallet is sold to an end user, stickers do not need to be attached to each box or container. However, a sufficient supply of stickers must be handed to the end user so that boxes or containers can be stickered after the boxes are taken off the pallet.

The June 2000 Memorandum of Agreement provides that any relabeling of products may be accomplished under the supervision of a registrant by persons other than the registrant, and may be conducted at facilities that are not registered establishments, provided that the registrant complies with reporting requirements.

In order to take advantage of this option, EPA has instructed the registrants that they shall submit to EPA, a report that identifies all individuals or entities to whom the registrant provided replacement labels or stickers, the locations at which relabeling occurred, the registration numbers of the relabeled products and the number of units relabeled at each location. The reports should be filed with the Chief, Agricultural Branch, Office of Compliance (2225A), Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency by April 1, 2006.

What uses of the above listed chlorpyrifos containing products remain lawful after December 31, 2005?

Uses vary by the specific products identified in Table 1, but generally include one or more of the following uses:

Underground utility cable and conduit (Non-residential)

Utility poles and Fence Posts (Non-residential)

Treatment of Wood Products (Applications must be made in manufacturing, industrial, or right-of-way settings only.)

To prevent insect attack of wood products such as fence posts, utility poles, railroad ties, landscape timbers, logs, pallets, wooden containers, poles, posts, and processed wood products.

Pest Control on Outside Surfaces and Around Buildings (Industrial plant sites only)

To control ants, bees, carpenter ants, clover mites, cockroaches, crickets, earwigs, hornets, millipedes, scorpions, spiders, wasps, and yellow jackets.

Apply to outside surfaces of buildings including porches, window frames, eaves, patios, garages, refuse dumps, and other areas where pests may congregate or may have been observed.

Chlorpyrifos containing products may be used in industrial plant sites such as outdoor perimeter treatments of commercial facilities, office buildings, and other non-residential buildings.

Chlorpyrifos containing products may not be used in or around schools, motels, hotels, grocery stores, hospitals, restaurants, dining areas, athletic fields, parks, and any other settings not discussed above.

Which uses are included on each label?

Table 1 Uses on Each Label.

Use Site Product Number	Underground utility cable and conduits	Utility poles and fence posts	Control of wood infesting insects	Pest Control on Outside Surfaces and Around Buildings
Drexel Chlorpyrifos Termiticide (Drexel Chemical Co.)	---	Yes	---	---
Navigator 4TC (Gharda USA, Inc.)	---	Yes	Yes	Yes
PestbanTC (Marman USA, Inc.)	Yes	Yes	---	Yes
Chlorpyrifos Termite Concentrate (Micro Flo Company)	---	---	Yes	Yes
Termiticide T/C (Arizona Chemical Group)	---	---	Yes	Yes
Dursban TC (Dow AgroSciences LLC)	Yes	Yes	Yes	Yes
Pyrinex (Makhteshim-Agan)	---	Yes	---	---
Cyren TC (Cheminova Inc.)	Yes	Yes	Yes	---

What should retailers and distributors do now?

Retailers and distributors should inventory their stocks on hand of these products and determine if they can reasonably expect to sell stocks in sufficient time that products can be used by December 31, 2005. If retailers or distributors believe that they will not be able to sell stocks on hand, they should contact their State pesticide regulatory official or the EPA contact listed below to investigate relabeling, redistribution, or disposal options.

Chlorpyrifos products that do not contain instructions for pre-construction termite control (e.g., products labeled only for agricultural uses) are not affected by the stop sales or the stop-use date.

What should PCOs do now?

PCOs should not purchase any more chlorpyrifos products labeled for the pre-construction use than they can reasonably expect to use by the end of this year (2005). If pest control operators or companies have stocks currently in their possession that they believe will not be exhausted prior to December 31, 2005, they should contact the distributor from whom they purchased the product, their State pesticide regulatory official or the EPA contact listed below to investigate relabeling or disposal options.

All stakeholders are reminded to comply with label and all other applicable requirements in disposing of any chlorpyrifos products. It is illegal to dump chlorpyrifos or most other pesticides into sinks, toilets, storm drains, or any body of water.

What are my disposal options?

Retailers, distributors and PCOs will be responsible for safe storage and disposal of any chlorpyrifos products that cannot be used by December 31, 2005 unless they can be legally relabeled or redistributed. Disposal costs could be significant.

Contact your State pesticide disposal program to determine if a waste or pesticide collection program, such as a Clean Sweep program, is available to you.

If no collection program is available, ask your Solid or hazardous waste agency about your disposal options.

To identify your State pesticide disposal coordinator, see
http://www.epa.gov/pesticides/regulating/disposal_contacts.htm

To identify your State solid or hazardous waste agency, see,
<http://www.epa.gov/epaoswer/osw/stateweb.htm>

Who to contact:

Questions related to this notice should be directed to Tom Myers, Team Leader, Special Review and Reregistration Division, (703) 308-8589, e-mail: myers.tom@epa.gov.