



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

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

12/20/2000

PESTICIDE REGISTRATION (PR) NOTICE 2000-10

**NOTICE TO MANUFACTURERS, PRODUCERS,
FORMULATORS AND REGISTRANTS OF PESTICIDES**

ATTENTION: Persons Responsible for Registration and Reregistration of Pesticide Products

SUBJECT: Changes to "Effective Date and Procedures" for PR Notice 2000-1 ("Applicability of the Treated Articles Exemption to Antimicrobial Pesticides")

On March 6, 2000, the Agency issued PR Notice 2000-1 concerning the applicability of the "treated articles exemption" in 40 CFR 152.25(a) to antimicrobial pesticide products. The intent of that notice was to clarify current Agency policy with respect to the scope of the treated articles exemption. Specifically, the notice addressed the types of claims which are or are not permitted on treated articles, and explained the requirement that the pesticide in a treated article be "registered for such use."

Section VI. of PR Notice 2000-1, entitled "Effective Date and Procedures," encouraged producers, distributors, and other persons selling or distributing pesticide-treated articles and substances to bring their products into compliance with 40 CFR 152.25(a). That section also indicated that the Agency would begin to rely on the guidance provided in that notice on February 11, 2001, and that products in commerce after that date which make statements or claims that do not reflect the clarifications offered in that notice, would risk being considered out of compliance with 40 CFR 152.25(a).

The Agency has since learned that certain segments of the industry which produce treated articles will not be able to meet the February 11, 2001 date, both in production of treated articles and

in their sale and distribution in commerce. Further, the Agency is concerned that some distributors of treated articles may not be aware that their products are subject to PR Notice 2000-1 due to the fact that the notice was sent primarily to registrants and not generally to the distributors of treated articles. Finally, the Agency is concerned that the current date of February 11, 2001 and the inclusion of all treated articles in commerce could have an unintended adverse economic impact on affected companies.

For these reasons, the Agency is extending the effective date of when it will begin to rely upon PR Notice 2000-1 from February 11, 2001 to **April 30, 2001**. In addition, the Agency is changing the guidance in that notice such that **treated articles produced on or before April 30, 2001 may continue to be sold or distributed by anyone through commerce without being subject to the clarifying guidance in PR Notice 2000-1**. Thus, only treated articles produced after April 30, 2001, which make statements or claims that do not reflect the clarifications offered in that notice, would risk being out of compliance with 40 CFR 152.25(a). Producers of treated articles produced on or before April 30, 2001 would need to be able to provide adequate documentation of the production date of such articles found in commerce. All other elements of PR Notice 2000-1, as well as the current enforcement approach, will remain as stated or referenced in that notice.

If you have questions or need further information about this notice, you may contact Jeff Kempter, Senior Advisor, Antimicrobials Division, at 703-305-5448, or by e-mail at Kempter.Carlton@epa.gov.

/signed by Marcia E. Mulkey/

Marcia E. Mulkey,
Director, Office of Pesticide Programs