



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Volger,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: AAKO B.V. Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
AKOFOS 48 EC	85724-10	<p>Cranberries, grapes, strawberries, fruit trees, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, satsuma mandarin, mandarin, tangerines), calamondin, tangor, chironja, pummelo, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, mint, peppermint, spearmint, Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, legumes, adzuki beans, beans (teparry, dry, kidney, navy, pinto, lima, snap, succulent, wax), corn (sweet), peas (English, succulent, sugar snap, dwarf, edible pod), snowpeas, southern peas, garden peas, pigeon peas, beans (moth), rice beans, asparagus beans, lentils, mung beans, runner beans, urd beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), sorghum, wheat, guar, peanuts, sugar beets, sunflowers, turnips, soybeans.</p> <p>Cotton, tobacco, Christmas tree plantings, Douglas fir, grand fir, noble fir, concolor fir, balsam fir, Fraser fir, Scotch pine, white spruce, eastern white pine, ornamental evergreens, turf, woody shrubs, woody vines, flowering trees, nut trees.</p> <p>Food processing plants, industrial sites, warehouses.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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Dana Friedman, Branch Chief
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- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Registrations for Adama Makhteshim, Ltd. and Makhteshim Agan of North America, INC

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
<p>Pyrinex Chlorpyrifos Insecticide</p>	<p>11678-58</p>	<p>Ornamentals - Commercial Production Only (flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses only), Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.</p> <p>Forest Trees [Forestry]: Plantations, forests seed orchards, felled trees, cut stumps</p> <p>Commercial Livestock Housing: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only.</p> <p>Commercial Indoor Non-Residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.</p> <p>Outdoor Residential: Public health uses: fire ant mound (individual), mosquito control.</p> <p>Outdoor Non-Residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.</p> <p>Indoor Residential: Ant and roach bait (containerized)</p> <p>Commercial Outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.</p> <p>Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.</p> <p>Public Health: USDA Quarantine (soil treatment of containerized plants) in nurseries and greenhouses; Fire Ant mounds (individual mounds), and Mosquito Control</p>	<p>Chlorpyrifos</p>	<p>Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.</p>
<p>Chlorpyrifos 4E AG</p>	<p>66222-19</p>	<p>Cranberries, grapes, strawberries, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, satsuma mandarin, tangerines), calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower,</p>	<p>Chlorpyrifos</p>	<p>Registrant must submit an amendment to remove food uses (food crops and</p>

		<p>collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (teparty, dry, kidney, navy, pinto, succulent), corn (pop, sweet, field), chick peas, peas (English, snap, dwarf, edible pod, field, green), blackeyes peas, cowpeas, crowder peas, southern peas, garden peas, lentils, mung beans, runner beans, urb beans, beans (moth), rice beans, asparagus beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, guar, mint, spearmint, peppermint, peanuts, sugar beets, sunflowers, turnips, soybeans.</p> <p>Cotton, tobacco, Christmas tree plantings, ornamental turf, balsam fir, blue spruce, Douglas fir, eastern white pine, Fraser fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir.</p>		livestock) or submit a voluntary cancellation request.
Vulcan	66222-233	<p>Cranberries, grapes, strawberries, orchards, fruit trees (nonbearing)citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, satsuma mandarin, tangerines), calamondin, tangor, chironja, pummelo, nut trees (nonbearing), almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (teparty, dry, kidney, navy, pinto, lima, snap, succulent, wax), corn (sweet), peas (green, English, dwarf, sugar snap, edible pod), snowpea, blackeyes peas, cowpeas, crowder peas, southern peas, garden peas, pigeon peas, lentils, legumes, mung beans, runner beans, urb beans, beans (moth), rice beans, asparagus beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, mint, spearmint, peppermint, peanuts, sugar beets, sunflowers, turnips, soybeans.</p> <p>Cotton, tobacco, Christmas tree plantings, eastern white pine, balsam fir, Douglas fir, Fraser fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir, nursery stock ornamental flowering plants, ornamental plants, vines, evergreens, turf, flowering shrubs.</p>	Chlorpyrifos	

Table 2: Supplemental Distribution Products

Distributor Product Number	Distributor Company Name	Distributor Product Name	Actions
66222-19-1386	Universal Cooperatives INC	Chlorpyrifos 4E	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
66222-19-19713	Drexel Chemical Company	Drexel Chlorpyrifos 4E AG	
66222-19-51036	BASF Sparks LLC	Chlorpyrifos 4E AG	
66222-19-73220	Farmsaver.com LLC	Quali-Pro Chlorpyrifos 4E	



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March 2, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. O'Byrne,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) ("*Chlorpyrifos; tolerances for residues*")³ as required by [21 U.S.C. § 346a](#) ("*Tolerances and exemptions for pesticide chemical residues*"). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

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 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: BASF Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Whitmire PT 275 DUR-O-CAP Microencapsulated Chlorpyrifos	499-367	Corn, ornamental plants, oak, pine, spruce, yew, Boston fern, industrial plants, warehouses	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Duration PT 275 MC Microencapsulated Dursban liquid concentrate	499-419	Boats, railroad boxcars, food processing plants, food marketing/storage/distribution facilities, commercial/institutional/industrial buildings, warehouses, storage areas, garbage cans, dumps	Chlorpyrifos	
Whitmire PT 1920 Total Release Insecticide	499-405	Ornamental plants including ornamental herbaceous plants, ornamental flowering plants, ornamental foliage plants, and ornamental bedding plants.	Chlorpyrifos Cyfluthrin	No action required.

Table 2: Supplemental Distribution Products (under BASF Sparks LLC)

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Chlorpyrifos 4E AG	66222-19-51036	<p>Cranberries, grapes, strawberries, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, satsuma mandarin, tangerines), calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (tepany, dry, kidney, navy, pinto, succulent), corn (pop, sweet, field), chick peas, peas (English, snap, dwarf, edible pod, field, green), blackeyes peas, cowpeas, crowder peas, southern peas, garden peas, lentils, mung beans, runner beans, urb beans, beans (moth), rice beans, asparagus beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, guar, mint, spearmint, peppermint, peanuts, sugar beets, sunflowers, turnips, soybeans.</p> <p>Cotton, tobacco, Christmas tree plantings, ornamental turf, balsam fir, blue spruce, Douglas fir, eastern white pine, Fraser fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. McFadden,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
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In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

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Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

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- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
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- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Central Garden & Pet Company Product Registrations with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Equil Pyrifos	89459-69	Livestock premises and poultry houses (enclosed premise treatment).	Chlorpyrifos	Registrant must voluntarily cancel products that are only registered for food uses.
Equil Chlorpyrifos ULV 1	89459-72	For use outdoors to control adult mosquitos in residential and recreational and other noncropland areas.	Chlorpyrifos	No action necessary.
Equil Chlorpyrifos ULV 2	89459-73	For use outdoors to control adult mosquitos in residential and recreational and other noncropland areas.	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Zhuang,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

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Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

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- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Control Solutions, INC. Registrations for Products with Chlorpyrifos

Product name	Registration No.	Current uses listed on label	Active ingredients	Actions
CSI Chlorpyrifos CS	53883-264	Livestock barns, pens, ship holds, food processing plants, commercial/institutional/industrial buildings.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
CSI Chlorpyrifos 42 CS Insecticide	53883-331	Livestock holding areas, calf pens, hog barns, poultry houses, milking room premises, milking parlors, closets, garages, windows, window frames, drains building foundations, door frames, doors, screen doors, walls, non-crop areas, industrial plants, fences, ship holds, railroad boxcars, food processing plants, food processing areas, commercial buildings, carpets, warehouses, garbage rooms, manufacturing plants, dumps.	Chlorpyrifos	
CSI Chlorpyrifos 20 CS	53883-355	<p>Alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tobacco, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment;</p> <p>Ornamentals - Commercial Production Only [Commercial Terrestrial Non-Food Crop, Commercial Greenhouse Non-Food Crop]: End-use products containing directions for use in nursery operations must be restricted to wholesale nursery operations only. Wholesale nursery operations are commercial agricultural operations which do not sell or distribute directly to consumers or the general public through retail sales. The end-use products must also contain a prohibition against selling or distributed treated plants directly to consumers or the general public through retail sales. Greenhouse, outdoor (excluding any residential outdoor use), field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale</p>	Chlorpyrifos	

		nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; Forest Trees [Forestry]: Plantations, forests, seed orchards, felled trees, and cut stumps.		
CSI 16-150 Chlorpyrifos 42	53883-394	Livestock holding areas, hog barns/houses, parlors/pens (enclosed premise), poultry, milking rooms, closets, garages, sinks, windows, domestic dwellings, building foundations, doors, door frames, eaves, furniture, rugs/carpets, wood decks, shelving, siding, window frames, drain pipes, sewers, trails, fences, ship holds, ships, railroad boxcars, food storage areas (pantries) food processing plants (indoor inedible), bottling plants (indoor inedible), canneries (indoor inedible), eating establishments (indoor), refrigerators, food marketing/storage/distribution facilities (indoor inedible), industrial plants, commercial/institutional/industrial areas (outdoor), commercial/industrial machinery, warehouses (indoor inedible), warehouses (outdoor), garbage rooms, garbage storage premises, garbage refuse areas, dumps (garbage/refuse) (outdoor), ceilings, wall surfaces.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
CSI 16-149 Chlorpyrifos 20	53883-407	Livestock holding areas including but not limited to calf pens, hog barns, poultry houses, poultry equipment, and milks rooms; non-food uses including but not limited to garages, windows, commercial/institutional/industrial areas (residential spot treatment – edible), commercial (outdoor) industrial areas (outdoor), warehouses, garbage areas, and ceilings	Chlorpyrifos	
CSI 1.5 ULV	53883-251	Non-crop areas, recreational areas (outdoor).	Chlorpyrifos	No action required.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Bui,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Registration Tables

Table #1: Corteva Agriscience LLC Registrations

Product name	Registration No.	Current uses listed on label	Active ingredients	Supplemental Distribution	Actions
LOCK-ON	62719-79	Alfalfa and cotton.	Chlorpyrifos	No	Registrant must voluntarily cancel products that are only registered for food uses.
Cobalt	62719-575	Nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, Brussels sprouts, corn, alfalfa, sorghum, corn, cotton, sunflowers, soybeans, wheat.	Chlorpyrifos gamma-Cyhalothrin	No	
Dursban F Insecticidal Chemical	62719-353	Alfalfa, apple, asparagus, banana, bean (snap lima), beet (sugar table including crops grown for seed), blueberry, brassica (cole), leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), Caneberry, cherimoya, cherry (sour sweet), citrus (lemon orange grapefruit and citrus other), citrus orchard floor, corn (field sweet including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (gram milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tobacco, tree nuts (almond filbert pecan walnut other), turnip, wheat and seed treatment. Ornamentals - Commercial Production Only [Commercial Terrestrial Non-Food Crop, Commercial Greenhouse Non-Food Crop] End-use products containing directions for use in nursery operations must be restricted to wholesale nursery operations only Wholesale nursery operations are commercial agricultural operations which do not sell or distribute directly to consumers or the general public through retail sales The end-use products must also contain a prohibition against selling or distributed treated plants directly to consumers or the general public through retail sales Greenhouse outdoor (excluding any residential outdoor use) field grown and nursery grown ornamentals (including flowers	Chlorpyrifos	No	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

		<p>shrubs evergreens vines shade and flowering trees and non-bearing fruit nut and citrus trees) (wholesale nursery operations only) Christmas tree plantations nurseries (wholesale nursery operations only) forest tree nurseries (wholesale nursery operations only) sod farms perennial grass seed crops soil treatment of potted containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only) annual and perennial plants.</p> <p>Forest Trees [Forestry] Plantations: forests, seed orchards, felled trees, and cut stumps.</p>			
Dursban R Insecticidal Chemical	62719-355	<p>Alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tobacco, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment;</p> <p>Ornamentals - Commercial Production Only [Commercial Terrestrial Non-Food Crop, Commercial Greenhouse Non-Food Crop]: End-use products containing directions for use in nursery operations must be restricted to wholesale nursery operations only. Wholesale nursery operations are commercial agricultural operations which do not sell or distribute directly to consumers or the general public through retail sales. The end-use products must also contain a prohibition against selling or distributed treated plants directly to consumers or the general public through retail sales. Greenhouse, outdoor (excluding any residential outdoor use), field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale</p>	Chlorpyrifos	No	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

		nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; Forest Trees [Forestry]: Plantations, forests, seed orchards, felled trees, and cut stumps.			
Lorsban 15G	62719-34	Citrus (citron, grapefruit, lemons, limes, tangelos, mandarin (satsuma), tangerines, oranges, tangor, kumquat), calamondin, chironja, brassica greens, broccoli, Brussels sprout, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabaga, sweet potatoes, corn, asparagus, alfalfa, sorghum, peanuts, sugar beets, sunflowers, soybeans, and tobacco.	Chlorpyrifos	Yes	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Lorsban -4E	62719-220	Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, oranges, tangelos, mandarin (satsuma)) kumquat, calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprout, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab. Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, Noble fir, Scotch pine, white spruce, and ornamental turf.	Chlorpyrifos	Yes	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

Lorsban 50W in Water Soluble Packets	62719-221	Citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, satsuma mandarin, tangerines), calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, cucumbers, pumpkin, Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed, Chinese broccoli, beans (navy, field, kidney, snap, green, string, wax), lima beans, blackeyed peas, peas (field, garden), corn, fruit trees (back treatment), broccoli raab. Christmas tree plantings, balsam fir, Douglas fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir.	Chlorpyrifos	Yes	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Dursban 4E-N	62719-254	Citrus, grapefruit, lemons, oranges, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, fruit trees. Ornamental flowering plants, ornamental plants, vines, turf, woody shrubs, trees, shade trees, flowering trees, fruit trees, nut trees, nonbearing citrus, rights-of-way (highway)	Chlorpyrifos	Yes	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Lorsban 75WG	62719-301	Cranberries, grapes, strawberries, citrus fruits, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, greens (Brassica sp.), Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (teparry, dry, kidney, pinto, navy, lima, snap, succulent, wax, mung, moth, rice, hyacinth, lablab), yard long beans, broad beans, jackbean, catjang, corn (sweet), garbanzo beans, blackeyed peas, cowpeas, peas (field, edible pod, English, dwarf), southern peas, lentils, pigeon peas, asparagus, alfalfa, lupine (sweet, white) sorghum, wheat, mint, peppermint, spearmint, sugar beets, tobacco, guar, cotton, sunflower, turnips, soybeans. Christmas tree plantings.	Chlorpyrifos	Yes	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

Lorsban advanced	62719-591	<p>Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, tangelos, mandarim (satsuma) , tangerines, citrus hybrids other than tangelo, oranges), kumquat, calamodin, tangor, chironja, pummelo, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs brassica greens, leafy vegetables, broccoli, Brussel sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens), rapeseed (greens), broccoli raab, Chinese broccoli, onions, radishes, rutabagas, Adzuki beans, sweet potatoes, tepary beans, beans (navy, kidney, pinto, lima, runner, snap, wax), corn, chick peas (garbanzo peas), green peas, blackeyed peas, cow peas, crowder peas, southern peas, garden peas, peas (English, edible pod), dwarf peas, pigeon peas, lentils, mung beans, urd beans, moth beans, rice beans, yard long beans, Chinese long bean, fava bean, broad beans, jackbean, lablab beans, catjang, lupine (grain, sweet, white), asparagus, grasses (hay), pastures (grasses), alfalfa, sorghum, wheat, tobacco, guar, sunflower, cotton, mint, peppermint, spearmint, mustard (spinach), peanuts, sugar beets, turnips, soybeans, snowpeas, orchards, alfalfa grass mixture,</p> <p>Christmas tree plantings, hyacinth, ornamental turf.</p>	Chlorpyrifos	No	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Cobalt advanced	62719-615	<p>Almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, Brussels sprouts, corn, alfalfa, sorghum, soybeans, wheat, cotton, and sunflower.</p> <p>Conifers and ornamental trees.</p>	Chlorpyrifos lambda-Cyhalothrin	No	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Dursban 50W IN Water Soluble Packets	62719-72	Ornamentals grown in nurseries, ornamentals (pre-plant incorporation treatment of field grown nursery stock), turfgrass.	Chlorpyrifos	No	No action required.

Table 2: Supplemental Distribution Products

Distributor Product Number	Distributor Company Name	Distributor Product Name	Actions
62719-34-5905	Helena Agri-Enterprises, LLC, D/B/A Helena Chemical Comp	Saurus	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
62719-34-9779	Winfield Solutions, LLC	Chlorpyrifos 15G	
62719-34-34704	Loveland Products, INC.	Backlash 15G	
62719-220-1381	Winfield Solutions, LLC	Yuma 4E	
62719-220-5905	Helena Agri-Enterprises, LLC, D/B/A Helena Chemical Comp	Whirlwind	
62719-220-5905	Helena Agri-Enterprises, LLC, D/B/A Helena Chemical Comp	Worldwind	
62719-220-9779	Winfield Solutions, LLC	Chlorpyrifos 4E	
62719-220-34704	Loveland Products, INC.	Warhawk	
62719-220-34704	Loveland Products, INC.	Backlash 4E	
62719-220-55467	Tenkoz INC	Govern 4E Insecticide	
62719-220-71058	Integrated Agribusiness Professionals	Eraser Insecticide	
62719-220-71058	Integrated Agribusiness Professionals	Eraser	
62719-221-10163	Gowan Company, LLC	Lorsban 50W	
62719-254-65783	Verdicon, INC.	Dursban* 4E-N	
62719-301-10163	Gowan Company, LLC	Lorsban BAN 75 WG	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 9, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Banas,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Delaval, Inc.

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Eradicoat	45600-1-11388	Chicken living quarters, poultry houses, dairy barns, (enclosed premise treatment); milking parlors; commercial/institutional/industrial buildings, manufacturing plants, warehouses (indoor inedible); eating establishments, food processing plants, (residential crack and crevice treatment); garbage rooms, loading/unloading docks; logs, poles/posts, timbers (nonsoil contact fumigant treatment); utility poles; railroad ties, railroad boxcars, shipholds (nonfeed/nonfood, non-residential contact treatment)	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Pace,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

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The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

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Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

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- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Registrations for Drexel Chemical Company

Product name	Registration No.	Current uses listed on label	Active ingredients	Actions
<p>Drexel Chlor-Py-Rex Chlorpyrifos Insecticide</p>	<p>19713-527</p>	<p>Ornamentals - Commercial Production Only (flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses only), Christmas Trees, Forest Tree Nurseries, Non-Bearing fruit, nut, and citrus trees, Commercial sod farms; Grass grown for seed.</p> <p>Forest Trees [Forestry]: Plantations, forests seed orchards, felled trees, cut stumps</p> <p>Commercial Livestock Housing: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only.</p> <p>Commercial Indoor Non-Residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.</p> <p>Outdoor Residential: Public health uses: fire ant mount (individual), mosquito control.</p> <p>Outdoor Non-Residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.</p> <p>Indoor Residential: Ant and roach bait (containerized)</p> <p>Commercial Outdoor: Underground utility cables and conduits; Turf and ornamentals in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.</p> <p>Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.</p> <p>Public Health: USDA Quarantine (soil treatment of containerized plants) in nurseries and greenhouses; Fire Ant mounds (individual mounds), and Mosquito control.</p>	<p>Chlorpyrifos</p>	<p>Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.</p>

Drexel Chlorpyrifos Technical	19713-573	Alfalfa, Asparagus, Christmas Tree Plantations, Banana, Blueberry, caneberry, cherimoya, citrus fruits, corn, cotton, cranberries, cucumber, date, feijoa, figs, grapes, kiwifruit, leek, legume vegetables (except soybean), mint, onions (dry bulb), pea, peanuts, pepper, pumpkin, sorghum, soybeans, sunflowers, sugar beets, sugarcane, strawberries, sweet potatoes, tobacco, tree fruit, [apples pears, cherries, plums/prunes, peaches and nectarines), tree nuts (almonds, filberts, pecans, and walnuts), vegetables (cauliflower, broccoli, Brussels sprouts, cabbage, collards, kale, kohlrabi, turnips, radishes, and rutabagas), and wheat.	Chlorpyrifos	Registrant must voluntarily cancel products that are only registered for food uses.
Drexel Chlorpyrifos 99% Technical	19713-575	Alfalfa, apples, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tobacco, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment.	Chlorpyrifos	
Drexel Chlorpyrifos 15G	19713-505	Alfalfa, asparagus, citrus orchard floors, radish, corn, onions, peanuts, sorghum, soybeans, sugarbeets, sunflower, sweet potato, tobacco	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Drexel Lambdafos Insecticide	19713-671	Alfalfa, Brussels sprout, corn, cotton, sorghum, soybeans, sunflower, tree fruits, tree nuts, wheat	Chlorpyrifos lambda-Cyhalothrin	
Drexel Chlorpyrifos 4E-AG	19713-520	Alfalfa, apples, asparagus, Christmas tree plantations, citrus fruits, small transplanted citrus trees, citrus orchard floors, cranberries, field corn, sweet corn, corn grown for seed, cotton, figs, grapes, mint, onions, peanuts, pears, sorghum, soybeans, strawberries, surgarbeets, sunflowers, sweet potatoes, tobacco, tree fruits and tree nuts, vegetables (broccoli, broccoli raab, Brussels sprout, cabbage, cauliflower, Cavalo broccolo, Chinese broccoli, Chinese cabbage, collards, kale, kohlrabi Mizuna, mustard greens, mustard spinach, rape greens, radish, rutabaga, turnip), legume vegetables (Adzuki beans, Asparagus bean, bean, blackeyed pea, broad bean (dry and succulent), catjang, chickpea, Chinese longbean, cowpea, Crowder pea, dwarf pea, edible pod pea, English pea, fava bean, field bean, field pea, garbanzo bean, garden pea, grain lupin, green pea, guar, hyacinth pea, jackbean, lima bean (dry and green), kidney bean,	Chlorpyrifos	

		<p>lablab bean, lentil, moth bean, mung bean, navy bean, pea, pigeon pea, Pinto bean, Rice bean, Runner bean, Southern pea, Sugar snap pea, Sweet lupin, swordbean, tepary bean, urd bean, wax bean, white lupin, white sweet lupin, yardlong bean), wheat</p> <p>Turfgrass grown for commercial sod, non-residential turf and ornamentals around buildings and road medians, ornamentals, industrial plant sites, ornamentals in greenhouses and nurseries, outside surfaces and around industrial plant sites.</p>		
Drexel Chlorpyrifos 15GR	19713-521	Citrus, citrus orchards, leafy vegetables, cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions (dry bulb), radishes, rutabagas, sweet potatoes, corn, asparagus, alfalfa, sorghum, peanuts, sugar beets, turnips, soybeans, sunflower, and tobacco.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Drexel Chlorpyrifos 4E-AG2	19713-599	<p>Cranberries, grapes, strawberries, citrus, grapefruit, lemons, oranges, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kales, kohlrabi, mustard (greens), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, Adzuki beans, beans tepary, beans (dry, kidney, navy, pinto, lima, green, succulent, wax), corn, chick peas, blackeyed peas, cowpeas, crowder peas, garbanzo peas (chick peas), peas (field), southern peas, garden peas, peas (edible pod, English, sugar snap), lentils, mung beans, runner beans, urd beans, beans (moth), rice beans, asparagus beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbeans, pigeon peas, lablab beans, catjang, peas (dwarf), lupine (grain), asparagus, alfalfa, lupine (sweet, white), wheat, sorghum, tobacco, guar, cotton, mint, peppermint, spearmint, mustard (spinach), sunflowers, turnips, soybeans, citrus orchards, Christmas tree plantings, Douglas-fir, noble fir, grand fir, concolor fir, eastern white pine, white spruce, Scotch pine, balsam fir, Fraser fir, ornamental flowering plants, ornamental foliage plants, ornamental plants, ornamental turf, ornamental woody shrubs, ornamental shade trees, blue spruce.</p> <p>Irrigation supply systems, buildings, new construction sites, industrial sites, warehouses, fencerows, and garbage dumps.</p>	Chlorpyrifos	
Chlorpyrifos 4 WOOD	19713-300	Treatment of wood products (rights of way, railroad ties, timbers, lumber, wood fence posts, wood pallets, wood shakes, wood shingles, wood pressure treatment, manufacturing or industrial sites only).	Chlorpyrifos	No action required.

Drexel Chlorpyrifos 4EC	19713-517	For golf course turf, road medians, and industrial plant sites only.	Chlorpyrifos	
Drexel Chlorpyrifos Concentrate	19713-518	Basements, domestic dwellings (indoor); concrete slabs, terrestrial structures, wood structures, logs (landscape), railroad ties, timbers, wood fence posts, wood poles, wood utility poles, (soil contact non-fumigation treatment); wood products, building foundations (soil treatment), new construction sites, industrial plants (outdoor inedible)	Chlorpyrifos	

Table 2: Supplemental Distribution Products

Product name	Registration No.	Current uses listed on label	Active ingredients	Actions
DREXEL CHLORPYRIFOS 4E-AG	66222-19-19713	<p>Cranberries, grapes, strawberries, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, satsuma mandarin, tangerines), calamonsin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (tepary, dry, kidney, navy, pinto, succulent), corn (pop, sweet, field), chick peas, peas (English, snap, dwarf, edible pod, field, green), blackeyes peas, cowpeas, crowder peas, southern peas, garden peas, lentils, mung beans, runner beans, urb beans, beans (moth), rice beans, asparagus beans, yard long beans, Chinese longbean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, peanuts, sugar beets, sunflowers, turnips, soybeans.</p> <p>Cotton, Christmas tree plantings, ornamental turf, balsam fir, blue spruce, Douglas fir, eastern white pine, Fraser fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 3, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Formella,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

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The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

FMC Corporation Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
F9047-2 EC Insecticide	279-9545	Citrus (citron, grapefruit, lemons, limes, tangelos, mandarim (satsuma), tangerines, citrus hybrids other than tangelo, oranges), kumquat, calamodin, tangor, chironja, nut trees, almonds, filberts, pecans, walnuts, Brussels sprouts, corn, alfalfa, wheat, sorghum, sunflowers, soybeans, wheat, cotton.	Chlorpyrifos Zeta-Cypermethrin	Registrant must voluntarily cancel products that are only registered for food uses.
NUFOS 4E	279-3538	Cranberries, grapes, strawberries, citrus (grapefruit, lemons, oranges), almonds, filberts, pecans, walnuts, apples, pears, cherries, peaches, plums, prunes, figs, broccoli, Brussel sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, corn, asparagus, alfalfa, mint, peanuts, sugar beets, sunflowers, sorghum, soybeans, turnips, wheat Cotton, tobacco Christmas tree plantings, Douglas fir, noble fir, grand fir, concolor fir, eastern white pine, white spruce, Scotch pine, balsam fir, Fraser, fir, blue spruce. Ornamental turf, ornamental grasses	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Bolton Insecticide	279-3581	Almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, Brussel sprouts, corn, alfalfa, sorghum, wheat, cotton, sunflowers, soybeans. Conifer plantings, ornamental trees.	Chlorpyrifos gamma-Cyhalothrin	
GAT Chlorpyrifos CS	279-9572	Livestock areas, ship holds, drains, railroad boxcars, food processing plants, industrial plants, manufacturing plants, commercial. industrial buildings (outdoor inedible) warehouses (indoor inedible), and garbage rooms.	Chlorpyrifos	
Chlorpyrifos 42 CS	279-9574	Calf hutches and calving pens and parlors; cargo holds of ships, empty chicken houses, food and non-food areas of manufacturing, industrial plants and food processing plants; hog barns; milk rooms; railroad boxcars.	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Seethapathi,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

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Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

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- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Gharda Chemicals International, Inc. Registrations and Supplement Distribution Products

Table 1: Gharda Chemicals International, Inc. Registrations

Product name	Registration No.	Current uses listed on label	Active ingredients	Actions
Chlorpyrifos Technical	93182-3	<p>Agricultural Uses - Alfalfa, Asparagus, Christmas Tree Plantations, Banana, Blueberry, Caneberry, Cherimoya, Citrus Fruits, Corn, Cotton, Cranberries, Cucumber, Date, Feijoa, Figs, Grapes, Kiwifruit, Leek, Legume Vegetables (except soybean), Mint, Onions (dry bulb), Pea, Peanuts, Pepper, Pumpkin, Sorghum, Soybeans, Sunflowers, Sugar Beets, Sugarcane, Strawberries, Sweet Potatoes, Tobacco, Tree Fruit, [apples (Only one application of any chlorpyrifos containing product can be made per year. pears, cherries, plums/prunes, peaches and nectarines), Tree Nuts (almonds, filberts, pecans and walnuts), Vegetables (cauliflower, broccoli, Brussels sprouts, cabbage, collards, kale, kohlrabi, turnips, radishes, and rutabagas), and wheat.</p> <p>Non-Agricultural Uses - Non-Residential Outdoor Pest Control (golf courses, road medians, and industrial plant sites); and, Non-Residential Ornamentals (flowers, shrubs, vines, shade & flowering trees, non-bearing fruit, nut, and citrus trees, and evergreens), Sod Farms, Perennial Grass Seed Crops, Annual and Perennial Plants, Road Medians, and Industrial Plant Sites.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Pilot 4E Chlorpyrifos Agricultural Insecticide	93182-7	<p>For control of listed insects infesting certain field, fruit, nut, and vegetable crops and wheat.</p> <p>Alfalfa, apple, tree trunk, asparagus, brassica (cole), leafy vegetables, radish, rutabaga, turnip, citrus fruits, citrus orchard floors), corn (field corn and sweet corn, including corn grown for seed) cotton, cranberries figs, grape, legume vegetables (succulent or dried) except soybean, onions (dry bulb), peanut, pear, peppermint and spearmint, sorghum (milo), soybean, strawberry, sugar beet, sunflower, sweet potato, tobacco tree fruit, almond, and walnut (dormant/delayed dormant sprays), tree fruits and almond (trunk spray or preplant dip,) tree nuts (foliar sprays) tree nut orchard floors, turfgrass, and wheat.</p> <p>Christmas trees (nursery and plantations)</p>	Chlorpyrifos	
Pilot 15G Chlorpyrifos	93182-8	Citrus, citrus orchards broccoli, Brussel sprouts, cabbage, Chinese cabbage, cauliflower, collards, kale, kohlrabi, broccoli raab, Chinese broccoli, onions,	Chlorpyrifos	

Agricultural Insecticide		radishes, rutabagas, sweet potatoes, corn, asparagus, alfalfa, sorghum, soybeans peanuts, sugar beets, turnips, sunflowers, and tobacco.		
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Table 2: Supplemental Distribution Products

Distributor Product Number	Distributor Company Name	Distributor Product Name	Actions
93182-7-55467	Tenkoz, Inc.	Govern Insecticide	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 3, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Dr. Venkatesh,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

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precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

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Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Gowan Company Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Lorsban 50W	62719-221-10163	<p>Citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, satsuma mandarin, tangerines), calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, cucumbers, pumpkin, Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed, Chinese broccoli, beans (navy, field, kidney, snap, green, string, wax), lima beans, blackeyed peas, peas (field, garden), corn, fruit trees (back treatment), broccoli raab.</p> <p>Christmas tree plantings, balsam fir, Douglas fir, grand fir, noble fir, Scotch pine, white spruce, concolor fir.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Lorsban 75 WG	62719-301-10163	<p>Cranberries, grapes, strawberries, citrus fruits, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, greens (Brassica sp.), Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, adzuki beans, beans (teparty, dry, kidney, pinto, navy, lima, snap, succulent, wax, mung, moth, rice, hyacinth, lablab), yard long beans, broad beans, jackbean, catjang, corn (sweet), garbanzo beans, blackeyed peas, cowpeas, peas (field, edible pod, English, dwarf), southern peas, lentils, pigeon peas, asparagus, alfalfa, lupine (sweet, white) sorghum, wheat, mint, peppermint, spearmint, sugar beets, tobacco, guar, cotton, sunflower, turnips, soybeans.</p> <p>Christmas tree plantings.</p>	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 3, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Washburn,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Registrations for Products Containing Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Saurus	62719-34-5905	Citrus (citron, grapefruit, lemons, limes, tangelos, mandarin (satsuma), tangerines, oranges, tangor, kumquat), calamondin, chironja, brassica greens, broccoli, Brussels sprout, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabaga, sweet potatoes, corn, asparagus, alfalfa, sorghum, peanuts, sugar beets, sunflowers, soybeans, and tobacco.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Whirlwind	62719-220-5905	Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, oranges, tangelos, mandarin (satsuma)) kumquat, calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprout, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab. Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, Noble fir, Scotch pine, white spruce, and ornamental turf.	Chlorpyrifos	
Worldwind	62719-220-5905		Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 9, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Quinlan,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

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 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

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precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

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Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Registrations for Insecta Marketing, INC.

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Insecta	45600-1	Chicken living quarters, poultry houses, dairy barns, (enclosed premise treatment); milking parlors; commercial/institutional/industrial buildings, manufacturing plants, warehouses (indoor inedible); eating establishments, food processing plants, (residential crack and crevice treatment); garbage rooms, loading/unloading docks; logs, poles/posts, timbers (nonsoil contact fumigant treatment); utility poles; railroad ties, railroad boxcars, shipholds (nonfeed/nonfood, non-residential contact treatment)	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

Table 2: Supplemental Distribution Products

Distributor Product Number	Distributor Company Name	Distributor Product Name	Actions
45600-1-1386	Universal Cooperatives, INC.	Co-Op	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
45600-1-1386	Universal Cooperatives, INC.	U Co-Op INSECTAWAY	
45600-1-11388	Delaval, INC.	Eradicoat	
45600-1-27279	Halt Products	Bug-Buster	
45600-1-63336	H Bar H Ranch, INC.	Insecta for Manholes	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 9, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Ehn,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

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The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Integrated Agribusiness Professionals Registrations

Product name	Registration No.	Current uses listed on label	Active ingredients	Action
Eraser Insecticide	62719-220-71058	Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, oranges, tangelos, mandarin (satsuma)) kumquat, calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprout, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Eraser	62719-220-71058	Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, Noble fir, Scotch pine, white spruce, and ornamental turf.		



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 11, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Baker,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

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The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

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Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
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- All commodities listed under [40 C.F.R. § 180.342](#).

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Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

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- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Registrations for Kaizen Technologies, LLC

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Bifenchlor	86363-11	Corn, citrus orchards, soybeans, cotton, and tobacco.	Chlorpyrifos Bifenthrin	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.

Table 2: Supplemental Distribution Products for Fuzion Technologies, LLC

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Frenzy Attack Veloz	86363-11- 86656	Corn, citrus orchards, soybeans, cotton, and tobacco.	Chlorpyrifos Bifenthrin	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Murphy,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

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Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

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- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Registrations for Liberty Crop Protection, LLC

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Liberty Granular Insecticide	89168-47	Acorn squash and corn	Chlorpyrifos Bifenthrin	Registrant must voluntarily cancel products that are only registered for food uses.
Liberty Chlorpyrifos Bifenthrin	89168-20	Citrus orchards, corn, soybeans, and tobacco	Chlorpyrifos Bifenthrin	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Liberty Chlorpyrifos 4E	89168-24	Food and non-food	Chlorpyrifos	

Table 2: Supplemental Distribution Products

Distributor Product Number	Distributor Company Name	Distributor Product Name	Actions
89168-20-89391	Innvictis Crop Care LLC	Voltage Edurx	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
89168-20-89391	Innvictis Crop Care LLC	Voltage	
89168-20-91395	Altitude Crop Innovations, LLC	Voltage Edurx	
89168-24-89391	Innvictis Crop Care LLC	Vesper	
89168-24-91395	Altitude Crop Innovations, LLC	Creede	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Avalos,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Loveland Products, Inc. Product Registrations with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Warhawk Clearform	34704-1077	Apples and asparagus.	Chlorpyrifos	Registrant must voluntarily cancel products that are only registered for food uses. For products with food and nonfood uses, registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Warhawk	34704-857	Cranberries, grapes, strawberries, orchards, fruit trees, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, satsuma mandarin, mandarin, tangerines), calamondin, tangor, chironja, pummelo, nut crops, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed (greens), broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, lentils, adzuki beans, beans (tepary, kidney, navy, pinto, lima, moth), mung beans, rice beans, lablab beans, catjang, corn (sweet), chick peas, crowder peas, pigeon peas, peas (English), mint, peppermint, spearmint, lupine (sweet, white), peanuts, sorghum, wheat, guar, sunflower, sugar beets, turnips, soybeans Cotton, tobacco, ornamental turf, nut trees, fruit trees.	Chlorpyrifos	
Match-up Insecticide	34704-1086	Citrus, adzuki beans, beans (tepary, dry, kidney, navy, pinto, lima, succulent), corn (sweet, silage, field), peas (green, field), garbanzo peas (chickpeas), blackeyed peas, cowpeas, crowder peas, southern peas, garden peas, pigeon peas, lentils, mung beans, urd beans, beans (moth, rice), broad beans, lablab beans, catjang, lupine (sweet, white), peanuts, soybeans, cotton	Chlorpyrifos Bifenthrin	

Table 2: Supplemental Distributor Products

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Backlash 15G	62719-34-34704	Citrus (citron, grapefruit, lemons, limes, tangelos, mandarin (satsuma), tangerines, oranges, tangor, kumquat), calamondin, chironja, brassica greens, broccoli, Brussels sprout, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes,	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or

		rutabaga, sweet potatoes, corn, asparagus, alfalfa, sorghum, peanuts, sugar beets, sunflowers, soybeans, and tobacco.		submit a voluntary cancellation request.
Warhawk	62719-220-34704	Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, oranges, tangelos, mandarin (satsuma)) kumquat, calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprout, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab. Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, Noble fir, Scotch pine, white spruce, and ornamental turf.	Chlorpyrifos	
Backlash 4E	62719-220-34704		Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 9, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Faulkner,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Tenkoz, Inc. Registrations

Product name	Registration No.	Current uses listed on label	Active ingredients	Action
Govern 4E Insecticide	62719-220-55467	<p>Cranberries, grapes, strawberries, citrus (citron, grapefruit, lemons, limes, oranges, tangelos, mandarin (satsuma)) kumquat, calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprout, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab.</p> <p>Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, Noble fir, Scotch pine, white spruce, and ornamental turf.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Govern Insecticide	93182-7-55467	<p>For control of listed insects infesting certain field, fruit, nut, and vegetable crops and wheat.</p> <p>Alfalfa, apple, tree trunk, asparagus, brassica (cole), leafy vegetables, radish, rutabaga, turnip, citrus fruits, citrus orchard floors), corn (field corn and sweet corn, including corn grown for seed) cotton, cranberries figs, grape, legume vegetables (succulent or dried) except soybean, onions (dry bulb), peanut, pear, peppermint and spearmint, sorghum (milo), soybean, strawberry, sugar beet, sunflower, sweet potato, tobacco tree fruit, almond, and walnut (dormant/delayed dormant sprays), tree fruits and almond (trunk spray or preplant dip,) tree nuts (foliar sprays) tree nut orchard floors, turfgrass, and wheat.</p> <p>Christmas trees (nursery and plantations).</p>	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 3, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Kay,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

² <https://www.federalregister.gov/documents/2021/08/30/2021-18091/chlorpyrifos-tolerance-revocations>. *See also*, [86 FR 48315](#) (August 30, 2021). This document may also be found in the public docket at <http://www.regulations.gov/> under docket number EPA-HQ-OPP-2021-0523.²

³ <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180/subpart-C/section-180.342>

The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
 - Should you choose to amend your labels, please submit a letter formally expressing your intention to submit label amendments to Trish Biggio, contact information listed below, within 30 days after the date the tolerances expired (March 30, 2022). Submission of label amendments, along with voluntary cancellation of uses impacted by the tolerance revocation, are requested within 60 days after the date the tolerances expired (April 29, 2022). Label amendments must include deletion of all uses of chlorpyrifos on food and feed, as well as label changes for livestock, in accordance with the Environmental Protection Agency's (EPA's) final rule published in the docket on August 30, 2021.
 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Tide International, USA, INC. Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Chlorpyrifos 4 EC	84229-20	<p>Cranberries, grapes, strawberries, orchards, fruit trees, citrus (citron, grapefruit, kumquat, lemons, limes, tangelos, satsuma mandarin, mandarin, tangerines, oranges, citrus hybrids), calamondin, tangor, chironja, pummelo, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, greens (Brassica spp), leafy vegetables, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard (greens, spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabagas, sweet potatoes, legumes, Adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent), corn (sweet, field), blackeyed peas, cowpeas, crowder peas, garbanzo peas (chick peas), pigeon peas, peas (English, field), southern peas, garden peas, lentils, mung beans, urd beans, beans (moth, field), rice beans, broad beans, lablab beans, catjang, lupine (sweet, white), wheat, sorghum, tobacco, guar, cotton, peppermint, spearmint, peanuts, sugar beets, turnips, soybeans, wheat, sunflower.</p> <p>Christmas tree plantings, Douglas-fir, pine, noble fir, grand fir, concolor fir, eastern white pine, white spruce, Scotch pine, balsam fir, Fraser fir, ornamental turf.</p>	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Chlorpyrifos 4E AG	84229-25	<p>Cranberries, grapes, strawberries, orchards, fruit trees, citrus (grapefruit, lemons, oranges), nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, corn (sweet, field), asparagus, alfalfa, sorghum, wheat, mint, peanuts, sugar beets, sunflowers turnips, soybeans, cotton, tobacco.</p> <p>Christmas tree plantings, Douglas-fir, noble fir, grand fir, concolor fir, eastern white pine, white spruce, Scotch pine, balsam fir, Fraser fir, blue spruce, ornamental turf.</p>	Chlorpyrifos	
Chlorpyrifos 15G	84229-26	<p>Citrus, Cole crops, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, onions, radishes, rutabagas, sweet potatoes, corn, peanuts, sugar beets, sunflowers, turnips, soybeans, tobacco.</p>	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 3, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Ms. Williams,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

¹ *League of United Latin Am. Citizens v. Regan*, 996 F.3d 673 (9th Cir. 2021)

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The final rule went into effect on October 29, 2021, and the tolerances for all commodities expired on February 28, 2022. Without tolerances established, food commodities treated with chlorpyrifos on or after February 28, 2022 may contain levels of residues and be deemed adulterated under [21 U.S.C § 342\(a\)\(2\)\(B\)](#). Cancellation of chlorpyrifos uses tied to tolerances will need to be made immediately. After February 28, 2022, if these products are not cancelled or appropriately relabeled, they will be considered misbranded pesticides and their distribution or sale will be unlawful under FIFRA. Should you be interested in having product returned to your company, please contact Trish Biggio, contact information listed below, for further information. A list of your currently registered products is attached to this letter.

- For products where all uses are impacted by the tolerance revocation, registrants may submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
- For products where only a subset of uses are impacted by the tolerance revocation, you may either amend the registration to remove impacted uses or cancel the registration.
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 - Should you pursue voluntary cancellation of your registration, please submit a voluntary cancellation letter within 30 days after the date the tolerances expired (March 30, 2022).
 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

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Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2

Table 1: Winfield Solutions, LLC Registrations for Products with Chlorpyrifos

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
CPF 15G	83222-34	Greens (Brassica spp), leafy vegetables, broccoli, Brussels sprouts, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, broccoli raab, Chinese broccoli, onions, peanuts, radishes, rutabagas, sweet potatoes, corn, asparagus, alfalfa, sorghum, soybeans, sugar beets, sunflowers, turnips, orchards, tobacco.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
Tundra Supreme	1381-243	Citrus, citrus orchards, corn, soybean, cotton, and tobacco.	Chlorpyrifos Bifenthrin	
CPF 4E	83222-20	<p>Cranberries, grapes, strawberries, orchards, fruit trees, citrus (citron, grapefruit, kumquat, lemons, limes, oranges, tangelos, mandarin (satsuma), calamondin, tangor, chironja, pummelo, nut trees, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, Chinese cabbage, kohlrabi, onions, radishes, rutabaga, sweet potatoes, adzuki beans, beans (kidney, navy, pinto, lima, snap, wax), corn, garbanzo beans (chick peas), blackeyed peas, cowpeas, crowder peas, southern peas, garden peas, Peas (green, field, edible pod, English, sugar snap, dwarf, field), pigeon peas, lentils, mung beans, runner beans, beans (moth) rice beans, asparagus beans, yard long beans, Chinese long bean, fava beans, broad beans, jackbean, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, sunflower, guar, mint, spearmint, peppermint, peanuts, sugar beets, turnips, soybeans.</p> <p>Cotton, tobacco, Christmas tree plantings, Douglas fir, noble fir, grand fir, concolor fir, white spruce, Scotch pine, balsam fir, blue spruce.</p> <p>Ornamental flowering plants, vines, evergreens, turf, woody shrubs, shade trees, flowering trees.</p>	Chlorpyrifos	

Table 2: Supplemental Distribution Products

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
CHLORPYRIFOS 15G	62719-34-9779	Citrus (citron, grapefruit, lemons, limes, tangelos, mandarin (satsuma), tangerines, oranges, tangor, kumquat), calamondin, chironja, brassica greens, broccoli, Brussels sprout, cabbage, cauliflower, collards, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), rapeseed, broccoli raab, Chinese broccoli, onions, radishes, rutabaga, sweet potatoes, corn, asparagus, alfalfa, sorghum, peanuts, sugar beets, sunflowers, soybeans, and tobacco.	Chlorpyrifos	Registrant must submit an amendment to remove food uses (food crops and livestock) or submit a voluntary cancellation request.
YUMA 4E	62719-220-1381	Cranberries, grapes, strawberries, citrus (citron, grapefruit, kumquat lemons, limes, oranges, tangelos, mandarin (satsuma)), calamondin, tangor, chironja, pummelo, almonds, filberts, pecans, walnuts, apples, pears, cherries, nectarines, peaches, plums, prunes, figs, broccoli, Brussels sprouts, cabbage, cauliflower, Chinese cabbage, kale, kohlrabi, mustard greens (spinach), onions, radishes, rutabaga, sweet potatoes, adzuki beans, tepary beans, beans (dry, kidney, navy, pinto, lima, succulent, field), beans (moth, rice), corn, peas (dry, green, English), chick peas, cow peas, crowder peas, southern peas, garden peas, pigeon peas lentils, mung beans, urd beans, broad beans, lablab beans, catjang, lupine (sweet, white), asparagus, alfalfa, sorghum, wheat, tobacco, guar, mint, spearmint, peppermint, cotton, peanuts, sugar beets, sunflowers, turnips, soybeans, legumes, fruit trees, and broccoli raab.	Chlorpyrifos	
CHLORPYRIFOS 4E	62719-220-9779	Christmas tree plantings, grand fir, balsam fir, blue spruce, Douglas fir, Eastern white pine, Fraser fir, noble fir, Scotch pine, white spruce, and ornamental turf.	Chlorpyrifos	



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

VIA E-MAIL, RETURN RECEIPT REQUESTED

March 1, 2022

Subject: Tolerance expiration and active chlorpyrifos product labels with uses tied to tolerances that require action

Dear Mr. Fletcher,

In 2007, the Pesticide Action Network North America (PANNA) and the Natural Resources Defense Council (NRDC) filed a petition with EPA under section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. § 346a(d), requesting that EPA revoke all chlorpyrifos tolerances. On April 29, 2021, the United States Court of Appeals for the Ninth Circuit ordered EPA to issue a final rule concerning the chlorpyrifos tolerances by August 20, 2021.¹ In August 2021, EPA granted the 2007 Petition and issued a final rule revoking all tolerances for chlorpyrifos.² These tolerances were established under [40 C.F.R. § 180.342](#) (“*Chlorpyrifos; tolerances for residues*”)³ as required by [21 U.S.C. § 346a](#) (“*Tolerances and exemptions for pesticide chemical residues*”). That provision included tolerances for residues of chlorpyrifos on specific food and feed commodities, on all food commodities treated in food handling and food service establishments in accordance with prescribed conditions, and on specific commodities when used under regional registrations.

You are receiving this letter because your company holds active registrations for chlorpyrifos products with uses tied to tolerances, and the tolerances expired on February 28, 2022. Changes will be needed to your registration, and this letter outlines options for your product. The issuance of the final rule on August 30, 2021, served as public notification that EPA could not make a safety finding to support leaving the tolerances for residues of chlorpyrifos in place as required under the FFDCA section 408(b)(2).

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 - Please refer to Attachment 1 for a list of uses applicable to tolerance revocation.

For relevant label amendments, please submit a cover letter, a completed Application for Registration (EPA form 8570-1) and copies of your amended product labels. For each label, submit two copies, a clean copy and an annotated copy with changes. In order for the application to be processed, include the following statement on the Application for Registration (EPA form 8570-1): "I understand that it is a violation of 18 U.S.C. Section 1001 to willfully make any false statement to EPA. I further understand that if this product is found in violation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it may be subject to regulatory and/or enforcement action and penalties under FIFRA."

Submit the required documents to the Re-evaluation section of EPA's Pesticide Submission Portal (PSP). The PSP can be accessed through EPA's Central Data Exchange (CDX) using the following link: <https://cdx.epa.gov/>. Please be aware that the Agency is currently not accepting paper submissions because of COVID-19.

In the absence of this revised labeling, chlorpyrifos products will be considered misbranded under FIFRA since they will not have sufficient directions for use and/or

precautionary statements to adequately protect human health and the environment. Therefore, failure to submit amended labels may result in regulatory action.

This letter serves as EPA's formal request for voluntary cancellation of registrations and/or uses impacted by the chlorpyrifos tolerance revocation. If voluntary cancellation requests are not forthcoming, EPA intends to initiate cancellation procedures to cancel registered uses of chlorpyrifos associated with the tolerances that have been revoked by issuing a Notice of Intent to Cancel (NOIC) under the FIFRA. That NOIC will be published in the Federal Register. For more information on the NOIC process, visit EPA's website: <https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative>.

Please contact Patricia Biggio if you have any questions about this letter. She may be reached at (202) 566-1938 or at biggio.patricia@epa.gov.

Sincerely,



Dana Friedman, Branch Chief
Pesticide Re-evaluation Division
Office of Pesticide Programs

Attachments:

- (1) *List of uses applicable to tolerance revocation and list of uses where no action is required.*
- (2) *List of Currently Registered Pesticide Products Containing Chlorpyrifos*

cc: Mike Walsh, PM #11, Registration Division (RD)

Attachment 1:

Products where action is required:

Action is required for all products registered for food uses for which there are currently tolerances. This includes products registered for use on fruits, vegetables, seed treatment, and uses which may result in exposure to livestock by consumption such as feed (e.g., alfalfa) or direct application to livestock. These uses include:

- Agricultural crops, terrestrial food crops, greenhouse food crops including alfalfa, apple, asparagus, banana, bean (snap, lima), beet (sugar, table, including crops grown for seed), blueberry, brassica (cole) leafy vegetables (bok choy, broccoli raab, broccoli, Brussels sprout, cabbage, Chinese cabbage, cauliflower, collard, kale, kohlrabi), caneberry, cherimoya, cherry (sour, sweet), citrus (lemon, orange, grapefruit and citrus, other) citrus orchard floor, corn (field, sweet, including crops grown for seed), cotton, cranberry, cucumber, date, feijoa, fig, grape, kiwifruit, leek, legume vegetables, mint, nectarine, onion (dry bulb), pea, peach, peanut, pear, pepper, plum, prune, pumpkin, radish (including crops grown for seed), rutabaga, sapote, seed and pod vegetables, sorghum (grain, milo), soybean, strawberry, sugarcane, sunflower, sweet potato, tree nuts (almond, filbert, pecan, walnut, other), turnip, wheat, and seed treatment of any food use.
- Commercial livestock uses: Cattle ear tags, poultry houses, turkey barns, swine barns, and dairy barns only
- All commodities listed under [40 C.F.R. § 180.342](#).

Products that will not require action:

Though additional action may be required at a later date under registration review, no action is currently required for registered products for non-food uses for which there are currently no tolerances, or for uses that will not result in residues in livestock. These uses include:

- Ornamentals - Commercial production, commercial terrestrial non-food crop, commercial greenhouse non-food crop, greenhouse, outdoor, field grown and nursery grown ornamentals (including flowers, shrubs, evergreens, vines, shade and flowering trees, and non-bearing fruit, nut, and citrus trees) (wholesale nursery operations only); Christmas tree plantations, nurseries (wholesale nursery operations only), forest tree nurseries (wholesale nursery operations only), sod farms, perennial grass seed crops, soil treatment of potted, containerized or balled and burlapped nursery stock plants in nurseries and greenhouses only (USDA quarantine purposes only); annual and perennial plants; flowers, shrubs, evergreens, vines, shade, and flowering trees in nurseries or greenhouses; Christmas trees, forest tree nurseries, non-bearing fruit, nut, and citrus trees, commercial sod farms; grass grown for seed.
- Tobacco
- Forest trees (forestry): Plantations, forests seed orchards, felled trees, cut stumps
- Commercial indoor non-residential: Warehouses, ship holds, railroad boxcars, industrial plants, manufacturing plants, food processing plants or containerized baits.
- Outdoor residential: Public health uses: fire ant mound (individual), mosquito control.
- Outdoor non-residential: Golf courses, road medians, and industrial plants, fence posts, utility poles, railroad ties, landscape timbers, logs, poles, and posts.
- Indoor residential: Ant and roach bait (containerized)

- Commercial outdoor: Underground utility cables and conduits; Turf and ornamental in road medians and industrial plant sites; Interior treatment of warehouses, railroad boxcars, industrial plants, manufacturing plants, and food processing plants only.
- Turf: Golf course turf, turf in road medians, and turf in industrial plant sites.
- Public Health: USDA quarantine (soil treatment of containerized plants) in nurseries and greenhouses; fire ant mounds (individual mounds), and mosquito control.

Attachment 2: Registered Products for Y-TEX Corporation

Product Name	Reg. No.	Current uses listed on label	Active ingredients	Actions
Warrior Insecticide Cattle Ear Tags	39039-6	Cattle ear tags	Chlorpyrifos Diazinon	Registrant must voluntarily cancel products that are only registered for food uses.