



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.

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,

A handwritten signature in blue ink that reads "Dana L. Friedman". The signature is written in a cursive style with a large initial "D".

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: 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.