



Mary-Ann Warmerdam  
Director

Arnold Schwarzenegger  
Governor

May 19, 2006

ENF 06-13

TO: County Agricultural Commissioners

SUBJECT: CLARIFICATION OF ACCEPTABLE “COPY” OF REGISTERED PESTICIDE LABELING FOR COMPLIANCE WITH TITLE 3, CALIFORNIA CODE OF REGULATIONS SECTION 6602

## **Background**

Title 3, California Code of Regulations (3 CCR) section 6602 requires that a “copy” of the registered labeling covering the use be available at the use site. Typically, there is a registrant’s container on site with a label and this is accepted as a copy of the registered labeling. If the use is covered only by a Special Local Need registration or Section 18 Exemption, the additional labeling would also have to be on site.

However, there are occasions where the registrant’s container may not be at the site or a service container may be in use. In these situations, the user must arrange for alternate means of ensuring the appropriate labeling is on site. There appears to be some confusion about what is necessary to comply with this requirement.

## **Requirement**

To be in compliance with 3 CCR section 6602, the labeling on site must completely cover both the general requirements and directions specific to the use. The text of the label must be the same as registered labeling, which has been approved by the Department of Pesticide Regulation’s Registration Branch. Differences in the directions, restrictions, or precautions are not acceptable. Differences in format or layout are acceptable unless they create a false or misleading impression.

## **Limitation**

This policy should not be construed as permitting registrants to distribute new “FIFRA section 3” labels as supplemental labeling to change the use pattern of existing labeled product. This practice would be a violation of Food and Agricultural Code (FAC) section 12852.



### **Application of requirement**

DPR has determined **any document that is an accurate depiction of the directions, restrictions, and precautions on the registered labeling is acceptable for complying with 3 CCR section 6602.** This includes specimen labels, CDs, labeling downloaded from a registrant Web site or Crop Data Management System, photocopies, or photographs. If a CD or similar technology is used there must be a means to view the content at the site. It is the responsibility of the user to ensure that the labeling he or she brings to the site is a true and accurate reflection of the currently registered labeling.

If it is discovered the labeling on site is not a true and accurate copy of the registered labeling, action can be taken for a violation of 3 CCR section 6602. Any use of a pesticide in conflict with registered labeling that was delivered with the pesticide is a violation of FAC section 12973.

### **Enforcement**

It is not expected that County Agriculture Commissioners routinely conduct detailed comparisons of the labeling on site to registered labeling on file with DPR during field inspections. However, situations, which raise concerns about labeling should be investigated and referred to the Enforcement Branch Liaison for DPR product compliance action.

Questions about this policy should be referred to the Enforcement Branch Liaison assigned to your county.

Sincerely,

*Original Signature by:*

Scott T. Paulsen, Chief  
Enforcement Branch  
(916) 324-4100

cc: Mr. Jim Shattuck, DPR Agriculture Commissioner Liaison