Safer Choice –
SFIREG Recommendations to EPA

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Safer Choice Program

- Originally Designed for the Environment (DfE) for all products
  - Now **Safer Choice**
    - “Safer Choice helps consumers, businesses, and purchasers find products that perform well and are safer for human health and the environment.”

- **Except for Pesticide Products** which will remain under Designed for Environment
  - Still in Pilot stage – May 3, 2016
Engagement AAPCO/SFIREG/POM

• AAPCO Survey indicated some states had issues with logo use on label.
  • Would deny registration as proposed - 60% (20 states)
  • Need way to verify authorized product
  • Concerns of enforceability of misuse of logo

• Discussed multiple times
  • Clarification by EPA and Registrants participating about program
  • Better understanding and acceptance of program itself
  • Continued issue with using a logo to denote product is DfE
DfE Program Standards

• POM Workgroup further explored qualifications and requirements of program

• More apparent that standards of the program not the issue
Logo on a pesticide label...

- **Read the Label**
  - Should choice of a pesticide by consumers be quick determination based on seeing a graphic

- **History lends to questioning enforcement for violations**
  - Not always support for efforts by states when violative products are found
    - Resources limited at state and federal level
    - Distributor labels...

- Do we really want to add another situation which can be problematic and subject to abuse?
Wait, which logo?

- More programs requesting logo designation??
  - Will there be Pollinator Protective Logo?
  - Safeguards Wildlife Logo?
  - Etc. Logo?

- Issue of mildew stain removers using Safer Choice and mildew killers using DfE...
CLOROX® MOLD & MILDEW STAIN REMOVER

FOAMING ACTION

BLEACH-FREE

Powerful foam spray removes tough mold and mildew stains from tile, hardwood floors and more.

Contains Bleach
So is there a solution?

- Proposal at SFIREG and follow up questions to states
  
  - Would your state consider registering products if they did not have a logo to indicate DfE approval but instead had a reference to the program and the website link or QR code?
  
  - Under Section 2(p)(2)(B) definition of label and labeling, FIFRA states – …”labeling means all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide or device, except to current official publication of the Environmental Protection Agency, US Dept. of Agriculture and Interior”…
Questions to States

• Provided with further information
  • Product list and website links

• Asked to those who originally indicated would not register:
  • Is your answer to DfE still the same?
  • Is the AG opinion still valid with program change to Safer Choice?
  • Would you consider other reference in lieu of logo? Would you still consider it misbranding?
  • Comments
Initial Responses

• Most indicating no change to answer – will not register
• AG decision still valid – only for DfE, not Safer Choice
• Use of reference would allow consideration for registration
• Comments:
  • We would not consider it false or misleading, so long as the program continues as it is run today and all the checks and balances remain, including that no Pesticide Section 3 label nor supplemental/distributor label will have that logo unless it has been fully approved in the DfE program...
  • We hope that EPA will find a way to adequately enforce this logo if approved. The state does not have the ability to police this logo on “non-approved” products.
  • The EPA is being pushed to allow such labeling... it is unfortunately missing the original mark. The whole program...puts smaller companies at a distinct competitive disadvantage because they cannot afford to go through the DfE/SaferChoice approval process.
  • No real difference. With or without a logo the marketer is going to have to present some “safer” language on the label to entice the consumer to visit the web site.
Comments cont.

- Our opinion is that EPA has taken the wrong course of action to make an EPA logo w/ designed for the environment in it. Quite frankly, all products are "designed for the environment".

- ...will continue to deny any label registration that links to a website making safety or product comparison claims.

- EPA should abandon this ill-conceived marketing program and concentrate on the core aspects of the pesticide program.

- Once a rule is opened up for revision to allow for “safer” language on the label isn't there a likelihood the current standards for “safer” are up for debate. Why not argue for tweaking the “safer” criteria to allow other pesticide products in too? Isn't Roundup friendlier the gramoxone? Safer, General Use, RUP...a new classification of pesticide, right?
Conclusion

• If DfE logo use on pesticide labels is extended beyond pilot program:

  • There will be states which will deny registration and not allow sale and use of the products in their state.
Thank You for Your Attention!!