



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

**JUL 30 2014**

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Re: No Action Assurance Regarding Pesticide Export Labeling Extension

Dear Sir/Madam:

I am writing to respond to concerns raised about the upcoming expiration of the No Action Assurance that I issued on January 22, 2014. As provided in this letter, I am again exercising my discretion to provide that the EPA will not pursue enforcement for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D subject to the conditions and limitations outlined in this letter.

On January 22, 2014, I issued a No Action Assurance (NAA) to address an implementation issue concerning the final rule, "Labeling of Pesticide Products and Devices for Export; Clarification of Requirements" (Export Labeling Rule). See 78 Fed. Reg. 4073 (Jan. 18, 2013). The Agency issued the NAA (attached) in response to industry stakeholder concerns that, because of this final rule, provisions for "supplemental labeling" no longer appear in the regulations. As noted in the January 22, 2014 NAA the omission of the supplemental labeling provisions in the final rule was inadvertent, and EPA intended to immediately promulgate a rule to address this error. Therefore, the NAA issued in January was intended to address a number of hardships and avoid significant economic injuries by serving as a temporary bridge to cover the gap between the compliance date of the Export Labeling Rule (January 21, 2014) and the projected effective date of a direct final rule that would have corrected this inadvertent omission.

The direct final rule was published in the Federal Register on April 30, 2014 (79 Fed. Reg. 24,347). The EPA received several comments during the 30-day comment period. As a result, EPA was required to withdraw the direct final rule and to issue a notice of proposed rulemaking (NPRM) to correct the supplemental labeling omission. The notice of withdrawal and the NPRM were published in the Federal Register on July 11, 2014. Because the Agency withdrew the direct final rule, there continues to be a gap between the current rule's requirements and the effective date of a new rule correcting the omission of the supplemental labeling requirements. Therefore, at the request of the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP) and for the same reasons articulated in the NAA of January 22, I am continuing to exercise my discretion to provide that EPA will not pursue enforcement for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D as provided below.

This NAA is intended to bridge the temporary gap and avoid the hardships caused by the inadvertent omission of "supplemental labeling" provisions in the Export Labeling Rule which the EPA intends to correct through a final rule. Pursuant to this NAA, EPA will not enforce for violations of the pesticide export labeling requirements found in 40 C.F.R. Part 168, Subpart D solely for pesticides exported on or after July 31, 2014, subject to the following conditions and limitations:

- All pesticide products for export are labeled in a manner consistent with the "supplemental labeling" requirements of 40 C.F.R. § 168.66 as originally proposed. See 76 Fed. Reg. at 18,999-19,000 (April 6, 2011).
- Entities exporting pesticide products must comply with all other requirements of the Export Labeling Rule.
- This NAA is to remain in effect for the above-listed pesticide export labeling provisions until either (1) 11:59 PM EST, February 28, 2015, or (2) the effective date of a final rule addressing the omission of the supplemental labeling provisions in the Export Labeling Rule as described above, whichever occurs earlier.
- The EPA reserves the right to revoke or modify this NAA at any time.

OCSPP does not anticipate that this NAA for the limited period of time specified above will result in any new adverse environmental or safety risks. These shipments are for export only and will not be distributed in the U.S. for use by the public. In addition, the necessary safety and precautionary instructions as required by the Export Labeling Rule will accompany exports to ensure adequate safety for those handling products during the transportation of the goods.

Nothing in this No Action Assurance affects any other provisions in the Export Labeling Rule, other than those explicitly listed above, or any other legal requirement applicable to these products and the export of pesticides.

If you have any questions regarding this matter, please contact Tom Charlton of my staff at (202) 564-6960 or [charlton.tom@epa.gov](mailto:charlton.tom@epa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Cynthia Giles". The signature is fluid and cursive, with the first name "Cynthia" being more prominent than the last name "Giles".

Cynthia Giles

Attachment

cc: Jim Jones  
Jack Housenger