



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

OFFICE OF
PREVENTION, PESTICIDES
AND TOXIC SUBSTANCES

November 8, 2005

Dear State Lead Agency:

Subject: Rodenticides Marketed as Exempt Under 25(b)
Active Ingredient: Corn Oil

It has come to our attention that some rodenticide products are currently being marketed that are claimed to be exempt under FIFRA 25(b). The active ingredient in these products is identified as corn oil, and the inert ingredients are identified as molasses and corn cob. We understand that these products are appearing on the shelves of large retailers such as Walmart and Safeway. This letter is to let you know that EPA has determined that these products are not eligible for the 25(b) exemption. Thus, these products need an EPA registration; without that registration, these products cannot be sold or distributed.

Under 40 C.F.R. § 152.25(f), a product is exempt from the requirements of FIFRA if its active ingredient is listed at section 152.25(f)(1) and its inert ingredients are listed in the most current version of List 4A for Minimal Risk Inert Ingredients, located at http://www.epa.gov/opprd001/inerts/inerts_list4Aname.pdf. In addition, the product must meet certain label conditions to be exempted as a minimum risk pesticide. Specifically, the label for such a product must identify all ingredients in the product and indicate the percent (by weight) of each active ingredient that is in the product, must not bear any claims to control insects or rodents carrying specific diseases, and must not bear "any false or misleading statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii)." 40 C.F.R. § 152.25(f)(3). *See also* Pesticide Registration Notice re: Minimum Risk Pesticides Exempted under FIFRA Section 25(b) Clarification of Issues (PR 2000-6) at 2 (May 7, 2000).

Section 152.3 of EPA's regulations defines an active ingredient as "any substance . . . that will prevent, destroy, repel or mitigate any pest . . ." and an inert ingredient as "any substance . . . other than an active ingredient, which is intentionally included in a pesticide product . . ." 40 C.F.R. § 152.3. In other words, whether something is an active ingredient or an inert ingredient depends upon the characteristics of that ingredient in the pesticide and the effect it has on the target pest. An ingredient's status (e.g., active) in the product cannot be altered simply by calling it by another name (e.g., inert).

In the case of these rodenticides, the corn oil is claimed as the active ingredient and corn cob and molasses as the inert ingredients. If those ingredients were actually working as claimed, these rodenticide products would be exempt, as long as the product labels conformed to the requirements of section 152.25(f)(3), because corn oil is on the list of active ingredients in section 152.25(f)(1) and corn cob and molasses are on the most recent List 4A, as an "animal feed item[]" conforming to 40 CFR

180.950(b)” and as an individual entry, respectively.

However, the EPA disagrees with the claim that corn oil is the active ingredient and that corn cob is an inert ingredient in these rodenticide products. Corn oil cannot be an active ingredient in these products. Corn oil has been used for several decades as an ingredient in the challenge diet used in laboratory efficacy studies. In addition, the challenge diet contains 5% corn oil – 1,000 times the amount of corn oil found in some of these products. Moreover, corn cob is not an inert ingredient as it would be the ingredient responsible for any killing of rodents that might result from use of these products. Therefore, corn cob would be the sole active ingredient in these products. Because corn cob is not on the list of minimum risk pesticide approved active ingredients in section 152.25(f)(1), these rodenticides need a registration and cannot be sold or distributed without one.

Please feel free to contact me if you have any questions concerning this letter. I can be reached at (703) 308-7038 or laws.meredith@epa.gov. You may also contact John Hebert, Product Manager for the rodenticides at (703) 308-6249 or hebert.john@epa.gov.

Sincerely,

| signed |

Meredith F. Laws
Chief
Insecticide-Rodenticide Branch
Registration Division (7505C)

cc EPA Regions