

Montana Registration of FIFRA Section 25(b) Pesticide Products

Products categorized as Section 25(b) Minimum Risk Pesticides under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) require registration in Montana. Minimum Risk Pesticides were exempted from federal registration by a May 6, 1996, order of the U.S. Environmental Protection Agency. The order does allow states to require registration.

The Montana Department of Agriculture requires the following to register and market 25(b) pesticide products in Montana:

1. **Label:** A label for each product registered is required, preferably in PDF format submitted online via MT Plants, email, or on a compact disc. MT Plants can be reached from the following link: <https://mtplants.mt.gov/ePassSSOLogin.aspx>
2. **Payment:** An annual fee of \$233.00 per product is required.
3. **Active Ingredients:** The label must list the active ingredients in the product exactly as listed in the Code of Federal Regulations, 40 CFR 152.25, and ingredients must be exempt from federal registration. For example, garlic must be listed as Garlic or Garlic Oil, not Garlic Juice. This list can be found at: <https://www.epa.gov/sites/production/files/2015-12/documents/minrisk-active-ingredients-tolerances-2015-12-15.pdf>
4. **Inert or Other Ingredients:** The label must list inert or other ingredients found on the EPA's most current *Minimal Risk FIFRA Section 25(b) Inert Ingredients* list or 40 CFR 180.950. This list can be found at: <https://iaspub.epa.gov/apex/pesticides/f?p=101:1>
5. Under the heading of "Active Ingredients," the product label must contain the name and percentage by weight in descending order of each active ingredient. Under the heading "Inert Ingredients," the label must list all inert/other ingredients by name. The combined percentages of active and inert/other ingredients must equal 100 percent.
6. The ingredients listed in items #3 and #4 are not interchangeable (actives cannot be inerts and vice versa) except for the few ingredients that are included on both EPA lists.
7. **Directions for Use:** The label must clearly identify the intended target pests(s), the site(s) where the product is to be used and specific application instructions such as methods, use rates and dilutions.
8. **Storage and Disposal:** The label must indicate how to store and dispose of the unused product and/or container.
9. **Contact Information:** The label must list the company name and contact information.
10. **Net Contents:** The label must indicate the net contents.

11. **EPA Exempt Statement:** A statement that the product is EPA exempt must appear on the label. Examples of label wording are as follows:
 - a. "This product is exempt from registration with the federal Environmental Protection Agency under FIFRA Section 25(b) regulations."
 - b. "This product has not been registered by the U.S. Environmental Protection Agency. (The name of the company) represents that this product qualifies for exemption from registration under FIFRA."
12. **Precautionary Statement:** A statement is required that is adequate to protect people, pets and the environment. An example of an appropriate statement is, "Keep out of reach of children. Avoid contact with eyes, skin or clothing. If in eyes, flush with water for at least 15 minutes. If on skin, wash with plenty of soap and water. Get medical attention if irritation persists. Do not apply this product undiluted. Do not apply to water."
13. Product labels must not contain any EPA registration or establishment numbers. Statements on the label *not allowed* include the following: "Recommended by EPA as safe and exempt"; "It is a violation of Federal Law to use this product in a manner inconsistent with labeling"; "Repels mosquitoes that transmit malaria". It is acceptable, however, to claim, "controls mosquitoes", etc.
14. Product labels must not include any false or misleading statements, including those listed on 40 CFR 156.10(a)(5)(i) through (vii).
15. The product label must not make public health claims. For example, the label may refer to controlling ticks, bed bugs, or mosquitoes, but may not in any way refer to or claim to control or prevent any microorganisms/pathogens that cause specific diseases carried by those pests, such as West Nile virus, Lyme disease, or Hantavirus.
16. A Confidential Statement of Formula (CSF) may be required if the department determines that additional information is necessary to complete the registration request. If additional information is needed, a CFS form will be sent by regular mail or by email to the registrant for completion.
17. Even if the product is exempt under FIFRA section 25(b), each active and inert/other ingredient must have a tolerance or tolerance exemption under the Federal Food, Drug and Cosmetic Act (FFDCA) if the product is to be used on food, food crops, food contact surfaces or animal feed commodities *unless they are exempt under other regulations*. If the product does not qualify for use on food, food crops, food contact surfaces or animal feed commodities it should be clearly stated on the label. An example of acceptable language is, "Do not use on food and feed commodities."