

## 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 product label for each product registered is required.
2. **Safety Data Sheet:** A safety data sheet (SDS) is required for each product registered. SDS must contain all active ingredients.
3. **Confidential Statement of Formula (CSF):** A confidential statement of formula is required for each product registered. Each active and inert ingredient must be listed in order of percentage by weight, beginning with the highest percentage first.
4. **Efficacy Data:** Efficacy data is required to substantiate any claim that appears on the label or labeling, for each product registered. Efficacy data must identify the formulation as tested, pest(s), percentage of efficacy, and time duration of study.
5. **Payment:** An annual fee of \$233.00 per product is required.
6. **Active Ingredients:** The label must list the active ingredients in the product exactly as listed in the 40 CFR 152.25(f)(1), and each active ingredient must be exempt from federal registration.
7. **Inert Ingredients:** The label must list inert ingredients as found in 40 CFR 152.25(f)(2) and 40 CFR 180.950(a), (b), (c), and (e).
8. **Ingredients Statement:** All ingredients in a 25(b) product must be listed by label display name on the label. Both Active and Inert Ingredients are to be listed in column form and total 100%. Inert ingredients are to be listed on the label in order of highest percentage first. The ingredients listed as active and inert ingredients are not interchangeable (actives cannot be inerts and vice versa) except for the few ingredients that are included in both the active ingredient list from 40 CFR 152.25 and the inert ingredient list from 40 CFR 180.950.
9. **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 application methods, application rates, and dilutions.
10. **Storage and Disposal:** The label must indicate how to store and dispose of the unused product and/or container.
11. **Contact Information:** The name of the producer or the company for whom the product was produced and the company's contact information, which includes a street address or PO Box, must be displayed prominently on the product label.
12. **Net Contents:** The label must indicate the net contents.

13. **EPA Exempt Statement:** A statement that the product is exempt from EPA registration must appear on the product label. Example:
14. **Precautionary Statement:** A statement is required that is adequate to protect people, pets and the environment. Signal Word and "Keep Out of Reach of Children" statement are to be located prominently on the front panel of the label. The Signal Word on the label should equal what is on the Safety Data Sheet (SDS) as the safety requirements for commercial use products.
15. **Items NOT Allowed on the Label:**
- a. 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."
  - b. No images of children are acceptable on labels unless the product is intended for use on children or is a swimming pool product.
  - c. Non-toxic claims are not acceptable.
  - d. The terms "Organic" or "Certified Organic" in reference to the 25(b) product are unacceptable.
    - i. The use of the USDA Organic logo is not acceptable on any labeling.
    - ii. Individual ingredients in a 25(b) product may be listed as "grown organically". Proper paperwork may be required to substantiate this claim.
    - iii. The use of the term "organic" is acceptable when used in connection with one of the following statements: "For Use in Organic Production", "For Use in Organic Gardening", "For Use on Organic Turf" and "OMRI Listed".
  - e. "Natural" claims are not allowed if the product includes synthetic chemicals and those derived synthetically.
    - i. Ingredients such as, but not limited to, sodium lauryl sulfate, isopropyl myristate, isopropyl alcohol, malic acid, potassium sorbate, citric acid, sodium benzoate, benzoic acid and xanthan gum are synthetic chemicals and are therefore not considered natural.
  - f. Claims such as "Safe" or "Safe around children and pets" are acceptable only when accompanied by the qualifier "...when used as directed".
16. **False or Misleading Statements:** The label cannot include any false or misleading statements, as described in 40 CFR 156.10(a)(5)(i) through (viii).
17. **Website Claims:** All claims on the manufacturer's website must comply with the same conditions required of the product label.
18. **Health-Related Claims:** The label cannot state or imply that the product can or will control or reduce organisms that pose a threat to human health, or insects or rodents carrying specific diseases.
19. **Tolerance Exemptions:** Even if the product is exempt under Code of Federal Regulations, 40 CFR 152.25(f)(1), each active and inert 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.