

Chlorpyrifos

Update on Existing Stocks Provisions for Four Products

March 15, 2024

On February 28, 2022, the US EPA cancelled all food/feed tolerances for chlorpyrifos. As a result, any food/feed commodity found to have chlorpyrifos residues would be considered adulterated and could not be offered for sale in the marketplace.

Subsequently, on May 4, 2023, at the request of the registrant, the EPA cancelled all food/feed uses and tobacco use of the following products. On November 6, 2023, the EPA cancelled the food processing and food manufacturing uses for these same products.

Pyrinex Chlorpyrifos Insecticide	(EPA Reg.# 11678-58)
Chlorpyrifos 4E AG	(EPA Reg.# 66222-19)
Quali-Pro Chlorpyrifos 4E	(EPA Reg.# 66222-19)
Vulcan	(EPA Reg.# 66222-233)

Usually, the EPA will cancel the food/feed uses of a product prior to cancelling the tolerances established for those foods/feeds. This procedure typically allows for an adequate timeframe for any commodity treated with the product to clear the marketplace before tolerances are revoked. However, in the case of chlorpyrifos, the EPA concluded they could not meet the deadline (August 20, 2021) established in the Ninth Circuit's order directing them to determine if the current tolerances adequately protected public health. Not being able to make this finding by the deadline, the EPA was required to revoke all tolerances for chlorpyrifos.

Then, on December 28, 2023, the Eighth Circuit court issued a whiplash-educing order vacating the EPA's rule that revoked all the food/feed tolerances. The Eight Circuit order re-established the cancelled tolerances and, as of now, all once cancelled tolerances are back in place.

In order to make chlorpyrifos products that are both currently registered with the EPA and are also labeled for the previously cancelled food/feed uses available to applicators again, on March 15, 2024, the EPA amended the existing stocks provisions in the May 4th and November 6th cancellation orders as follows:

- **Sale and distribution** of existing stocks of Pyrinex Chlorpyrifos Insecticide (EPA Reg.# 11678-58) is permitted until June 30, 2024. (Note: Pyrinex Chlorpyrifos Insecticide is a manufacturing use only product. It is not currently registered in North Carolina.)

- **Sale and distribution** of existing stocks of Chlorpyrifos 4E AG and Quali-Pro Chlorpyrifos 4E (EPA Reg.# 66222-19) and Vulcan (EPA Reg.# 66222-233) is permitted until April 30, 2025.
- **Use** of existing stocks of Chlorpyrifos 4E AG, Quali-Pro Chlorpyrifos 4E, and Vulcan on food, food processing sites, and food manufacturing sites is allowed. Use must be consistent with the product labeling on the container. Such use is permitted until June 30, 2025.
- **Use** of existing stocks Chlorpyrifos 4E AG, Quali-Pro Chlorpyrifos 4E, and Vulcan for non-food purposes is permitted until existing stocks are exhausted, as long as such use is in accordance with the labeling on the container.

After these dates, all sale, distribution, and use of existing stocks is prohibited, except for sale and distribution for export and for proper disposal. “Existing stocks” are the stocks of the registered pesticide products identified above that are currently in the United States and that were packaged, labeled, and released for shipment prior to May 4, 2023 (for food uses and tobacco uses) and prior to November 6, 2023 (for food processing and food manufacturing uses).

It is important to note that the EPA registrations of many chlorpyrifos products were cancelled by the registrants as a result of the original Ninth Circuit order. Those cancelled products are not eligible for use unless the manufacturers reapply for and are granted registrations with the EPA and the labeling of those products allows use on the sites in question. As of now, the only chlorpyrifos products available for use under the old labeling are the four identified above. The manufacturer of these four products cancelled the food, food processing, and food manufacturing **uses** on the labels, not the entire **product** registration. Since the products themselves are still registered with the EPA, the original use cancellation orders have been amended to allow old product to be used on the newly reinstated sites.

Going forward, it is our understanding that the EPA plans to “expeditiously” propose a new rule to revoke the tolerances associated with all but 11 food and feed crop uses they have identified as candidates whose tolerances can possibly be modified to meet the requirement to protection of public health. The 11 crop uses are alfalfa, apple, asparagus, cherry (tart), citrus, cotton, peach, soybean, strawberry, sugar beet, wheat (spring & winter). However, if approved, these uses may come with additional restrictions regarding things such as geographic location, rate of application, farmworker and other vulnerable populations, and vulnerable species and their habitats. All uses will likely not be available nationwide. According to EPA’s December 2020 Chlorpyrifos Proposed Interim Registration Review Decision document, of the 11 possible candidates, the agency is considering allowing applications to citrus, cotton, peach, soybean, corn, and pecan in North Carolina. At this point, apples are not included.

The EPA has indicated that it will continue to update the public as it evaluates and takes any actions related to chlorpyrifos use.

UPDATE

March 21, 2024

The USDA has issued a notice, *Memorandum to U.S. Growers on Use of Chlorpyrifos Insecticide Products in Food Crops for 2024*, that provides additional chlorpyrifos use information and an extensive list of products that currently can and cannot be used on food crops. The EPA has reviewed this information and has forwarded it to state pesticide regulators. Therefore, we believe this information to be accurate and the most up-to-date available. The memorandum is attached.



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Memorandum to U.S. Growers on Use of Chlorpyrifos Insecticide Products in Food Crops for 2024

Background: On February 2, 2024, the U.S. Environmental Protection Agency (EPA) published an “Update on the Use of the Pesticide Chlorpyrifos on Food.” This EPA update referenced a *Federal Register* Notice amending EPA’s rules to reflect the status of chlorpyrifos food tolerances that were previously revoked in 2022. EPA’s update is provided verbatim in the Appendix to this document (page 4). EPA also posted a notice on March 15, 2024 amending an existing stocks provision for ADAMA product cancellation orders:

<https://www.federalregister.gov/documents/2024/03/15/2024-05594/chlorpyrifos-amendment-to-existing-stocks-provisions-in-adama-product-cancellation-orders>

In response to questions around which chlorpyrifos products remain registered and available for use on food crops in 2024, USDA is herein providing a listing in Table 1 (pages 2-3 below) for reference. This table lists chlorpyrifos products that may be used on food, including products that are still registered and others that have been cancelled but may still be used on food crops under existing stocks provisions, all on the left on the first page of the table and highlighted in GREEN. USDA is also providing a list of the chlorpyrifos products that have been cancelled and for which no use on food crops is permitted, highlighted in ORANGE. USDA’s reference source for this information was EPA’s multiple public cancellation notices, published via the *Federal Register*. The chlorpyrifos product status information has been confirmed by EPA’s Office of Pesticide Programs. These lists are current as of March 21, 2024 and USDA will work to provide further updates with future EPA actions¹.

Points for Clarification:

1. As is always the case, the label is the law: when using chlorpyrifos products identified below that may be used on food, growers may only use chlorpyrifos in accordance with the label use directions of the product that is in hand. Not every product listed in Table 1 allows for all food uses. Growers must read the label and confirm that their use is legal for the product they intend to use.
2. As noted by EPA, individual states may impose additional restrictions or prohibitions on chlorpyrifos use, beyond what is on any EPA-approved product label. Some states have previously enacted full or partial bans on chlorpyrifos use, including California, Hawaii, Oregon, New York, Maryland, etc. For states that have already prohibited or further restricted the use of chlorpyrifos, EPA’s actions DO NOT supersede such restrictions.
3. While U.S. food tolerances for chlorpyrifos have been restored at this time, international maximum residue limits (MRLs) still apply for many agricultural products. Growers should confirm the status of chlorpyrifos MRLs for their relevant export markets and consider all existing restrictions in any chlorpyrifos use decisions for 2024.
4. USDA’s listings in Table 1 apply to products containing chlorpyrifos for food uses. This table focuses on products allowed for use on food and should not be used as a reference for any non-food use site such as turf, ornamentals, tobacco, non-crop areas, structures, indoor uses, etc. Non-food use products ARE NOT and never have been legal for use on any food crops. However, it should be noted that some products include both food and non-food uses.
5. Questions for USDA can be directed to Kimberly Nesci (Kimberly.Nesci@usda.gov) or Clayton Myers (Clayton.Myers@usda.gov) at the Office of Pest Management Policy. Growers can also contact EPA (OPPChlorpyrifosInquiries@epa.gov) or state/local pesticide regulatory officials for further information.

¹ The information provided in this memorandum is not intended to be, nor should it be construed, as legal advice. Information may be subject to change without notice.

Table 1: Food Use Products Containing Chlorpyrifos

Products Remaining with Food Uses Registered		Products Cancelled OR Food Uses Are No Longer Registered	
EPA Reg. No.	Product Name	EPA Reg. No.	Product Name
93182-7	Gharda, Pilot 4E	62719-34	Corteva, Lorsban 15G
93182-8	Gharda, Pilot 15G	62719-79	Corteva, Lock-On Insecticide
19713-505	Drexel, Chlorpyrifos 15G	62719-220	Corteva, Lorsban 4E
19713-520	Drexel, Chlorpyrifos 4E-AG	62719-221	Corteva, Lorsban 50W
19713-521	Drexel, Chlorpyrifos 15GR	62719-254	Corteva, Dursban 4E-N
19713-527	Drexel, Chlor-py-rex	62719-301	Corteva, Lorsban 75WG
19713-599	Drexel, Chlorpyrifos 4E-AG2	62719-353	Corteva, Dursban F
19713-671	Drexel, Lambdafos	62719-355	Corteva, Dursban R, XP, XPP
34704-857	Loveland, Warhawk	62719-575	Corteva, Cobalt
34703-1077	Loveland, Warhawk Clearform	62719-591	Corteva, Lorsban Advanced
34704-1086	Loveland, Match-Up	62719-615	Corteva, Cobalt Advanced
Products with Existing Stocks Provisions for Grower Use <i>(use until June 30, 2025)</i>		85724-10	AAKO, Akofos 48EC
		228-620	Nufarm, Chlorpyrifos SPC 2.32%G
66222-19	ADAMA, Chlorpyrifos 4E AG	228-621	Nufarm, Chlorpyrifos SPC 1.0% MCB
66222-233	ADAMA, Vulcan	228-624	Nufarm, Chlorpyrifos SPC 4
11678-58	ADAMA, Pyrinex	228-625	Nufarm, Chlorpyrifos SPC 2

Table 1, Continued:

ALL PRODUCTS BELOW ARE CANCELLED OR FOOD USES ARE NO LONGER REGISTERED

EPA Reg. No.	Product Name	EPA Reg. No.	Product Name
53883-264	CSI, Chlorpyrifos CS	1381-243	Winfield, Tundra Max/Supreme
53883-331	CSI, Chlorpyrifos 42 CS	279-3538	FMC, Nufos 4E
53883-355	CSI, Chlorpyrifos 20 CS	279-3581	FMC, Bolton
53883-394	CSI, Pyrifos/Chlorpyrifos 42	279-9545	FMC, F9047-2EC
53883-407	CSI, Pyrifos/Chlorpyrifos 20	279-9572	FMC, GAT Chlorpyrifos CS
84229-25	Tide, Chlorpyrifos 4E AG	279-9574	FMC, Chlorpyrifos 42 CS
84229-26	Tide, Chlorpyrifos 15G	499-367	BASF, Whitmire PT 275 Dur-o-cap
89168-20	Liberty, Chlorpyrifos Bifenthrin	499-405	BASF, Whitmire PT 1920
89168-24	Liberty, Chlorpyrifos 4E	499-419	BASF, Duration PT 275 MC
89168-47	Liberty, Granular Insecticide	86363-11	Kaizen, Bifenchlor
83222-20	Winfield, CPF/Yuma 4E	89459-69	Central Garden, Equil Pyrifos
83222-34	Winfield, CPF 15G		

Appendix:

EPA Update on the Use of the Pesticide Chlorpyrifos on Food, 2/2/2024.

The U.S. Environmental Protection Agency (EPA) is issuing an update on the use of the pesticide chlorpyrifos on food.

Chlorpyrifos is an organophosphate insecticide used for a large variety of agricultural uses, including soybeans, fruit and nut trees, broccoli, cauliflower, and other row crops, as well as non-food uses. In a final rule issued in August 2021, EPA revoked all tolerances for chlorpyrifos, which establish an amount of a pesticide that is allowed on food. This action effectively stopped the use of the pesticide chlorpyrifos on all food and animal feed. EPA took this action in response to an April 2021 order from the U.S. Court of Appeals for the Ninth Circuit for the Agency to issue—within 60 days—a final rule addressing the use of chlorpyrifos in food or feed crops, without taking public comment or engaging in “further fact-finding.”

That tolerance revocation rule was challenged by a chlorpyrifos registrant and several grower groups in the U.S. Court of Appeals for the Eighth Circuit. On November 2, 2023, the Eighth Circuit [issued a ruling](#) vacating EPA’s final rule and sending the issue of chlorpyrifos tolerances back to EPA for further proceedings. The ruling did not include a timeframe or specific instructions for EPA to take a final action on the use of chlorpyrifos in food or feed crops without public comment.

EPA is issuing a technical correction in the Federal Register that changed the Code of Federal Regulations to reflect the Eighth Circuit’s decision. The Eighth Circuit’s mandate issued on December 28, 2023, finalized the court’s judgment and vacated the Agency’s 2021 rule revoking chlorpyrifos tolerances.

Since the tolerances are currently in effect, growers can now use currently registered chlorpyrifos products on all crops with reinstated tolerances, consistent with directions for use on those product labels. However, such uses may be subject to restrictions by individual states.

The Eighth Circuit’s decision stated that EPA should have considered modifying the tolerances in addition to complete revocation and noted that the Agency had “identified 11 specific candidates” of food and feed crop uses whose tolerances could be modified in a Preliminary Interim Decision EPA issued in 2020. Thus, the Agency expects to expeditiously propose a new rule to revoke the tolerances for all but 11 uses with additional restrictions for geographic location and rate of application to address safety of the tolerances, and potential restrictions for farmworker and other vulnerable populations, and vulnerable species and their habitats. Those 11 uses are: alfalfa, apple, asparagus, cherry (tart), citrus, cotton, peach, soybean, strawberry, sugar beet, wheat (spring), and wheat (winter). These 11 uses were identified in the [December 2020 Chlorpyrifos Proposed Interim Decision](#) and represented about 55% of the total chlorpyrifos usage (average annual pounds applied) on agricultural commodities between 2014-2018.

EPA is also engaged in discussions with registrants of chlorpyrifos products to further reduce exposures associated with these 11 uses of chlorpyrifos. EPA will also consider the 2020 Proposed Interim Decision and public comments received on that document.

At this time, any existing final cancellation orders, including any terms for sale, distribution, and use of existing stocks of products subject to those cancellation orders and related return programs for chlorpyrifos products, remain in place, unless and until amended by EPA.

EPA will continue to update the public as it evaluates and takes any actions related to chlorpyrifos use.

For more information, view the [Federal Register Notice](#).