

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of the General Counsel, Deputy Commissioner & General Counsel

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SUBJECT: Enforcement Discretion for Distribution of Unregistered Products
Containing Chlorpyrifos

DATE: May 3, 2021

To Whom It May Concern:

This is to advise you that, subject to the terms set forth in this correspondence, the Department will exercise its authority to utilize enforcement discretion with respect to limited distribution of unregistered products containing chlorpyrifos. This letter replaces the Enforcement Discretion Letter for Distribution of Unregistered Products Containing Chlorpyrifos issued on January 13, 2021.

The Department will allow the distribution of unregistered products containing chlorpyrifos that were already in the possession of distributors and users prior to their effective date of registration cancellation, only for purposes of shipment out of state or for proper disposal. Additional supplies of these products must not be sent to New York State distributors or users, after their effective date of cancellation.

The Department recognizes that the distribution or disposal of these products by the cancellation deadline may be impractical in many cases, and that removal from the state or disposal will accomplish the goal of eliminating the potential for exposure to chlorpyrifos. Therefore, the Department will allow the possession, transport, storage or handling of open or closed containers of unregistered products containing chlorpyrifos that were already in the possession of distributors and users prior to their effective date of cancellation, only for the purposes of shipment out of state or for proper disposal after their effective date of cancellation. The Department will also allow any required preparation for disposal of these containers after their effective date of cancellation. No other uses of these products will be allowed after their effective date of cancellation. This discretion expires on February 1, 2022 or until it is rescinded by the Department.

If you have any questions, please contact the Pesticide Enforcement and Compliance Assurance Section in the Bureau of Pesticides Management of the Division of Materials Management at (518) 402-8727.

Sincerely,



Thomas S. Berkman
Deputy Commissioner &
General Counsel



Department of
Environmental
Conservation