



Policy Number:	LIC-001
Date:	April 1, 2015
Staff Affected:	All Staff
Subject:	Certificate of Free Sale – Registered Pesticide Products
Replaces:	New Policy

The purpose of this policy is to describe the process in the handling of requests pertaining to Certificates of Free Sale (CFS) for registered pesticide containing products and pesticide products that are exempt from federal registration [e.g., FIFRA 25(b)].

Pesticide Products

A pesticide is any substance or mixture of substances that is labeled or designed or intended for use in preventing, destroying, repelling or mitigation any pest, or is used as a plant regulator, defoliant or desiccant. When these substances or mixtures thereof are placed within a container and labeled with the following information: 1) Brand/product name, 2) pesticide registration number assigned via the FIFRA Section 3 process or exemption of registration number per 40 CFR 152.25, these products become classified as a “pesticide product”.

Pesticide Certificate of Free Sale

A Pesticide Certificate of Free Sale (PCFS) is available through the Division of Agricultural Resource Management – Bureau of Agrichemical Management (DARM – BAM). Companies that export pesticide products outside of the United States may need a PCFS for distribution of their product into a foreign country. For a fee of \$15.00 (not including sales tax), an exporting company may obtain a PCFS for an individual pesticide product by contacting DARM – BAM.

Sample of PCFS

Attachment A contains a sample of the PCFS.

PCFS Requirements

In order to obtain a PCFS from the DARM - BAM, a company must meet all of the following requirements:

1. Product manufacturer must be a Wisconsin based company.
2. Product must be manufactured/formulated at a Wisconsin location.
3. Product must meet all federal and Wisconsin requirements.
4. Product must be exempt from the federal registration requirements [FIFRA 25(b) and 40 CFR 152.25(f)].

PCFS Denial

A PCFS will not be issued for products that are registered under 7 USC 136a. These products are required to obtain, via the registration process, a US EPA registration number. Companies with products registered under 7 USC 136a, whom are in need documentation for selling/distributing their pesticide product in a foreign country will need to obtain that documentation/certification via the US EPA's Pesticide Product Certificate of U.S. Registration (Gold Seal Letter) program.

EPA Gold Seal Letter Program

This program was created so that a company/labeler of a pesticide containing product, registered with the EPA, could obtain a certificate/accreditation in order to meet the importing countries requirements. The Gold Seal program reviews the ingredient(s) of a particular product to ensure that the product is registered in accordance with the federal requirements. The EPA then verifies if the product would comply with any/all applicable trade agreements. More information about this program may be found at the following location:

<http://www.epa.gov/pesticides/international/goldseal.htm>

Several Benefits of the EPA Gold Seal Program

1. **Validity of Ingredients:** The EPA is the authority that evaluates all active and inert pesticide ingredients, and quantifies those ingredients. As a part of that evaluation, individual companies may deem their inert ingredients as "Trade Secrets". While DATCP authorities would allow us to obtain the detail(s) of both active and inert ingredients, we do not require companies to submit this information as part of our listing/registration process. Furthermore, our resources for conducting a full analysis of each active and inert ingredient are limited.
2. **Federal Product Registration/State Listing:** Products that must be registered via the EPA are done so in accordance with EPA criteria. Wisconsin requires that the product be registered through the EPA before it is listed/registered with us. Our verification is reliant upon the federal registration process and because of this we do not ask for a full analysis of each product as part of our listing/registration process.
3. **International Trade Agreements:** Lastly, there are numerous international trade agreements in place between the United States and other countries. We (DATCP) do not have the capacity to analyze, nor the authority to enforce, those agreements. By issuing a certificate of free sale, and not analyzing any/all agreements that may apply, the State of Wisconsin could inadvertently violate one, or more of those agreements.