



Section 3, Federal Supplemental Label, Sections 18 & 24c – What’s the Difference?

Before discussing the different types of pesticide labels, it may be prudent to define pesticide label and pesticide labeling. In the Federal Insecticide Fungicide Rodenticide Act, FIFRA, the term “label” is defined as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers.” The term “labeling” is defined as “all labels and all other written, printed, or graphic matter accompanying the pesticide or device. . . .” Thus, a pesticide label is a part of a product’s labeling. Labeling may also include technical bulletins, data sheets, circulars, leaflets, brochures, flyers, or other written, printed, or graphic matter that are referred to on the product label or accompany the product. EPA refers to these materials as “collateral labeling.”

In fact, there are many types of labels and labeling including Master Label (Section 3), Final Printed, Market (Container), federal supplemental, supplemental distributor labeling, Special Local Needs, and Emergency Use labeling. (Supplemental distributor labeling is not discussed in this article.)

The **Master Label** (also known as the EPA-stamped label or reference label) is the label that contains the use directions and claims for all of the approved uses for a given product. All other labeling for a given product (with the exception of supplemental labeling) must be consistent with the Master label. Once accepted, EPA stamps the label with “Accepted” or “Accepted with Comments” (Figure 1). The Master Label is filed with EPA and posted to the [EPA Pesticide Product Label System \(PPLS\) website](#).

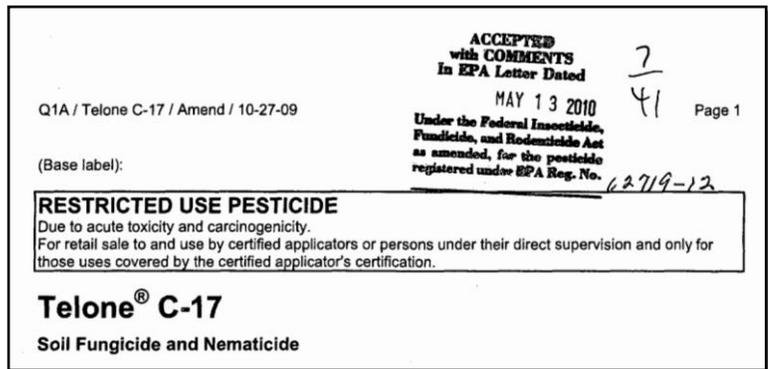


Figure 1. Master labels will bear an EPA stamp such as “Accepted.”

EPA generally requests that the registrant submit the “Final Printed Label” for the federal registration file and before the product bearing the “Market Label” is released for shipment. Final printed labels are not posted to the EPA PPLS website.

After a Section 3 pesticide is registered by EPA, registrants can apply to the State lead agency to register product(s) under specific State laws (Figure 2). Pesticide registrants should consult with the appropriate State pesticide program for questions about State registration. Ultimately, States have primary responsibility (called primacy) for pesticide use within State borders. Registrants must submit an application, product label, fees, and other applicable documents to register a pesticide under Washington State laws ([Chapter 15.58 RCW: Washington Pesticide Control Act](#)) and rules. The product (market or container) label is what accompanies the product in the channels of trade.

Washington State and other States have more stringent requirements for certain pesticide uses. For example, pesticides containing the active ingredient *clopyralid*

With regard to market labels or labeling, 40 CFR 156.10(a)(4)(i) reads: “The label shall appear on or be securely attached to the immediate container of the pesticide product.” Furthermore, “If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read, the label must also be securely attached to such outside wrapper or container, if it is a part of the package as customarily distributed or sold.”

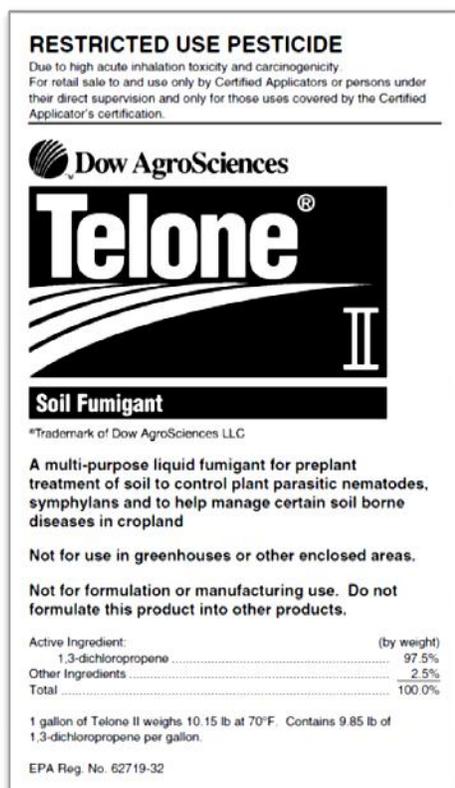


Figure 2. Example of a market place or a final printed label.

are declared to be State restricted use pesticides in Washington State when labeled for use on cereal grains, grass used for hay, lawns, and turf including golf courses ([WAC 16-228-1235](#)).

Sometimes, a registrant may want to segregate uses that are approved by EPA on the Master Label. A company may produce a **sub-label** (or **split-label**) with a sub-set of approved sites that can be marketed under a different trade name. Consequently, the label on a product with the *same registration number* may look different in the market place. To that end, the registrant has presented the approved label information in a way that supports the marketing strategy for that product.

A sub-label or split label contains the claims and directions for only a portion of the approved uses in a given Master Label (EPA-stamped label), but it is a complete label in and of itself, containing all of the required labeling elements. These differences are allowed under the pesticide regulatory program. For example, an approved herbicide would be marketed in one way for an agricultural product targeted to a farmer and another way for a consumer product targeted to a home gardener. The size of the package, mixing instructions, the approved sites, label format, and even the product name may be different depending on the target customer. The distributed product

label may include fewer sites or claims, but it may not include more sites or claims than the label posted in EPA's PPLS. Thus, sub-label or split labels are not stamped with "Accepted."

Final Printed Label – EPA requires the registrant to submit a final printed label that contains all required changes or corrections as mandated by EPA at the time of label approval. The final printed label contains all uses, sites, pests, and claims.

Supplemental labeling is a term generally used by EPA to describe Section 3 federal labeling that includes newly approved uses, use directions, or other instructions that have been added since the last accepted Master Label. These are partial labels distributed with the product by the registrant or by distributors. As partial labels, supplemental labeling must bear a statement directing the user to the EPA registered product label for complete directions and precautions and a statement that the product label must be in the possession of the user.

If using a pesticide for its expanded uses as described in the supplemental labeling, the user must comply with provisions on the supplemental label, the product's container label, and all other labeling that comes with the product. Otherwise, provisions only on the container label will apply.

Generally, the new uses and directions contained in the supplemental labeling should be incorporated into the Master Label at the next printing of the product label or within 18 months, whichever comes first. EPA may extend the adoption time frame beyond the 18 month expiration date, which begins at the time of acceptance, if the directions for use are subject to continual, frequent changes.

Supplemental pesticide labels may contain instructions that are not covered by the Master Label.

Market, Package, Product, or Container Label is what accompanies the product in the channels of trade. The label is attached to the container along with all graphics. The container label is also known as the package label.

Special Local Needs (SLN) or Section 24(c)

States have authority under [FIFRA Section 24\(c\)](#) to register additional uses for a federally registered pesticide. A **Special Local Needs (SLN)** label is a type of submission in which a State registers additional uses, under certain conditions, to a federally registered pesticide to meet specific needs (Figure 3). Consequently, SLN registrations are for distribution and use only within a particular State.

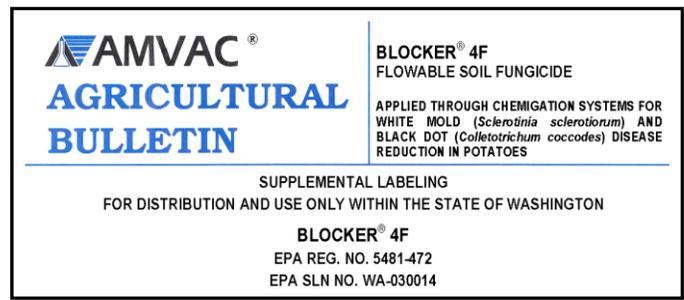


Figure 3. Section 24(c) labeling. A copy of the SLN label must be in the applicator's possession throughout the application.

Supplementary uses often include adding application sites, pests, or alternative control techniques to those listed on the federally registered label. Although SLNs can be approved for many different reasons, most involve use on crops. Pesticide ingredient(s) involving a use on a food crop must have an established tolerance or be exempted from the requirement of a tolerance for that crop under the Federal Food, Drug, and Cosmetic Act (FFDCA). SLN registrations are also issued for non-food/non-feed sites, such as hybrid poplar. Additional information regarding SLN submission criteria may be obtained from the WSDA publication, "[A Guide for Requesting Section 24\(c\) Special Local Need Registrations in Washington State.](#)"

FIFRA 24(c)(3): "In no instance may a State issue a registration for a food or feed use unless there exists a tolerance or exemption under the Federal Food, Drug, and Cosmetic Act that permits the residues of the pesticide on the food or feed."

EPA actively reviews SLN labels for the required, pertinent information. Thus, SLN registrations are in effect unless EPA takes action to disapprove or invalidate such registrations. If EPA determines that the SLN must be disapproved, EPA, generally, must provide notice of the disapproval, in writing, to the submitting State within 90 days of the State's effective registration date. Otherwise, it is considered an accepted FIFRA label. All SLN labels for Washington and Oregon are available on the Internet through a cooperative effort between WSDA and Washington State University (WSU) at <https://sharepoint.cahnrs.wsu.edu/WSPRS/24c18s/Lists/WASLNList/SLNNumber.aspx>.

40 CFR 162.151: "Special local need (SLN) means an existing or imminent pest problem within a state for which the state lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available." WSDA is the designated lead agency for the regulation of pesticides in Washington State.

Emergency Exemption from Registration or Section 18

An **Emergency Exemption from Registration** is used when an emergency pest situation arises for which no acceptable pesticide is registered or available in the State (Figure 4). Section 18 of FIFRA authorizes EPA to allow an unregistered use of a pesticide for a limited time if EPA determines that an emergency pest condition exists.

An emergency condition must be an urgent and non-routine situation where 1) no effective registered pesticides are available, 2) no feasible alternative control practices exist, and 3) the situation involves the introduction of a new pest, will present significant risks to human health or the environment, or will cause significant economic loss. Besides an outbreak of a new pest, an emergency condition may exist with the development of resistance to existing pesticides, unusual weather conditions that caused a pest outbreak, or a product's cancellation if no alternative exists.

A Section 18 provision allows for the sale and use of a product for a nonregistered use within a specified area that is only valid for the time period specified on the label, and that addresses the emergency situation only. Special restrictions generally accompany the use of these products, which may include additional record keeping, specific safety precautions, or licensing restrictions.

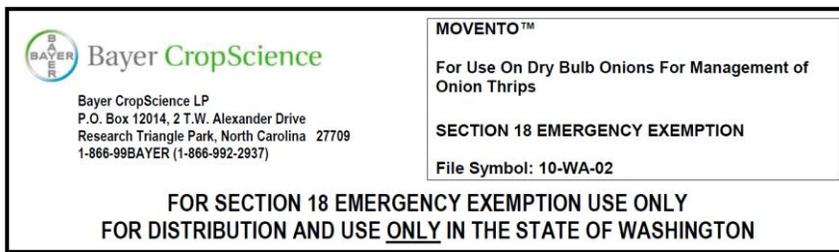


Figure 4. Section 18 labels must be authorized by EPA but can be requested by either a federal or State agency.

An emergency exemption may be requested by a federal or State agency, with most requests made by the State lead agricultural agency (Figure 4). Requests for Section 18 emergency exemption use are normally compiled and submitted to WSDA by agricultural consultants, a WSU research or

extension specialist, or commodity organization personnel. Registrants cannot submit requests, but they must indicate, in writing, their awareness and support of the Section 18 request. Additional information regarding submission criteria is available from WSDA’s publication, “[A Guide for Requesting Section 18 Emergency Exemptions](#).”

Pesticides distributed in Washington State under Section 18 of FIFRA must be accompanied by a label approved by WSDA prior to distribution ([WAC 16-228-1400](#)). Section 18 labels must be in the possession of the user at the time of application.

A list of Section 18: Emergency Exemption labels active in Washington State only are accessible at <https://sharepoint.cahnrs.wsu.edu/WSPRS/24c18s/Section%2018s/Forms/AllItems.aspx>.

WPS--At What Point in Crop Production Does It no Longer Apply?

All [agricultural employers](#), owners, and managers, as well as labor contractors, are required to comply with the Worker Protection Standard (WPS) when pesticides with labeling that refers to the WPS have been used on an agricultural establishment. The intent of WPS is to protect employees on farms, forests, nurseries, and greenhouses from occupational exposure to agricultural pesticides used in the production of agricultural plants. The regulation covers two types of employees: [pesticide handlers and agricultural workers](#).

The definition of agricultural employer covers BOTH owners/managers of agricultural establishments AND employers of agricultural workers. The definition is intended to encompass all employers of workers who may be exposed to pesticides while engaged in agricultural-plant activities.

Pesticide applications on an agricultural establishment that are within the scope of the WPS include applications to:

1. the "parent" portion of the agricultural plant that remains after the crop has been harvested, if the application is made for the purposes of continuing the production of the "parent" plant or eliminating the "parent" plant.
2. the growth media that remains behind after the crop has been harvested, if the application is made for the purposes of a) continuing the production of the "parent" plant or b) eliminating the "parent" plant or c) preparing the media for replanting or reseeding of an agricultural plant.
3. agricultural plants (including transplants) that are in growth media.
4. agricultural plants or plant portions (seeds, roots, bulbs, cuttings, etc) on an agricultural establishment immediately prior to or during planting, transplanting, or grafting.

However, at what point in a crop’s production cycle do WPS requirements no longer apply to workers or handlers? It depends on the activity and where it occurs in the course of the production of agricultural plants.

For purposes of the WPS, an agricultural plant is considered harvested when:

1. a desirable portion of the agricultural plant (seed, fruit, flower, stem, foliage, or roots) is detached from its parent or
2. a whole agricultural plant is separated from its growth media (soil, water, or other media).

Accordingly, WPS requirements **do not apply** to workers or handlers when any pesticide is applied on an agricultural establishment to the harvested portions of agricultural plants or on harvested timber ([WAC 296-307-130\[2\]](#)). Once a crop is harvested, workers performing activities related only to the harvested portion of the agricultural plant are not within the scope of the WPS.

[Additional information is accessible at 40 CFR Parts 156 & 170: Interpretive Policy](#)

Clarification on Chemigation and Fertigation Tank Contact Information

Contact information requirements on application tanks, whether used in a chemigation or a fertigation application, are identical (Figure 5). Both the Chemigation Rule ([WAC 16-202-1007](#)) and the Fertigation Rule ([WAC 16-202-2004](#)) require that the following contact information “must be visibly recorded and securely affixed to each application tank.” Contact information includes:

- A contact name.
- A telephone number of the contact.
- An owner-derived numeric or alphanumeric tank identifier.

However, what would be the appropriate contact information when the application tank is shared among branch units or if the equipment is owned by the client but operated by another party, such as the supplying agrochemical company?

The governing principle is this: Parties engaged in lending or renting of an [injection system](#) may conceive any operational arrangement that best accommodates their circumstances or need.

However, the contact person must be familiar with the application site, the product being applied, and the operation of the chemigation and irrigation equipment being used. Furthermore, the contact person(s) must be immediately available throughout the application period.

Please remember: Contact information must remain intact and legible throughout the application timeframe and lettering must be a **minimum** of two inches in height and in a color contrasting to the background. Identification requirements minimize the potential for human exposure or injury, especially by emergency safety personnel, and facilitate remediation measures resulting from equipment malfunction or a contamination event.



Figure 5. Contact information is for safety purposes, whether for the applicator or for emergency response personnel.

Rule-Making – Staying Informed and Making a Difference

Rule-making is when a State agency proposes and adopts rules. The Washington State Legislature guides all State rule-making through a law known as the [Administrative Procedure Act \(APA\), Chapter 34.05 RCW](#). All State agencies must follow the requirements of the APA.

There are three major phases in the rule-making process.

1. File the Pre-Proposal Statement of Inquiry Form (CR-101).

The purpose of the CR-101 is to notify the public about an agency's intent to adopt a new rule or amend or repeal an existing rule. CR-101 is an invitation to the general public and interested parties to take part in the rule-making process.

2. File the Proposed Rule-Making Form (CR-102).

The CR-102 cannot be filed until 30-days after the CR-101 is published in the Washington State Register (WSR). After the 30-day period, the submitting agency can file a CR-102 at any time. The purpose of the CR-102 is to officially propose the draft rule language and to invite public comment.

The CR-102 filing provides:

- A brief description of the rule.
- The associated WAC number.
- A copy of the proposed rule text.
- The date, time, and location of the public hearing(s).
- The public comment deadline and the process for how to submit comments.
- If required, a Small Business Economic Impact Statement (SBEIS).

3. File the Rule-Making Order Form (CR-103).

The CR-103 cannot be filed until on or after the intended adoption date that is specified in the CR-102. (Exceptions include expedited and emergency rules.) The purpose of the CR-103 is to officially adopt the rule with the signature of the Agency Director. Unless specified otherwise, a rule will become effective 31 days after the CR-103 is filed with the Code Reviser's Office.

How long does it take to adopt a rule?

The APA allows a rule to be adopted as soon as 28 days, but no more than 180 days, after the CR-102 is published in the WSR. No rule can be adopted before the intended adoption date reported in the CR-102. If the submitting agency does not adopt the rule(s) within 180 days, the Code Reviser's Office will withdraw it from the rule-making process. Consequently, the submitting agency must file a new CR-102 to continue rule-making on the same topic. However, there are two exceptions to this time frame:

- **Emergency rules** become effective immediately upon filing a CR-103 at the Code Reviser's Office.
- **Expedited rules** are open to a 45-day written objection period that starts once the proposed rule is published in the WSR. If the submitting agency does not receive any written objections, the rule can be adopted any time after the objection period is over. Usually, the rule becomes effective 31 days later.

When is the formal comment period for a proposed rule?

The formal comment period starts when the CR-102 is filed with the Office of the Code Reviser. The CR-102 notes the date on which the comment period ends.

How do I submit formal comments that become part of the official record?

On all proposed rules – except emergency rules, the submitting agency is required to provide a formal public comment period. Formal comments may be submitted in the following three ways:

1. **Written comments sent by U.S. Mail** must be received no later than the end date of the formal comment period.

2. **Written comments sent by E-mail or Fax** must be received no later than the end date of the formal comment period.
3. **Verbal comments** are taken at the public hearing(s).

All comments received during the formal public comment period become part of the official record ([Section 325: Concise Explanatory Statement](#)) as required by the APA.

Public notification of WSDA rule-making is reported on its rule-making activity page, accessible from the following link: <http://agr.wa.gov/LawsRules/Rulemaking/RulemakingActivity.aspx>.

Supporting documents (e.g., proposed rule, Code Reviser notices, Small Business Economic Impact Statement) and public hearing information (e.g., date, time, and location) as well as the current status of each rule-making can be accessed by clicking on the item of interest under the "Rule Title/Topic" column.

Rule-making that will be going to public hearing in the near future involve proposed changes to [Nozzle Requirements for Ground and Air Pesticides](#).



2010 Soil Fumigation Labels – When do They Take Effect?



There has been great anticipation – maybe trepidation – as to when the 2010 pesticide labels which include the mitigation safety measures will go into effect. (Telone II and Telone EC are the only soil fumigants that will not be affected by the 2010 label submission process.)

The new EPA safety measures for the soil fumigants will be phased in under the 2010 and the 2011 pesticide labels. As a precondition of the re-registration eligibility decisions, the suite of mitigation measures is intended to protect handlers, reentry workers, and bystanders from risks resulting from exposure to the soil

fumigant pesticides. For detailed information about the mitigation measures and the implementation schedule, visit EPA's website at http://www.epa.gov/oppsrrd1/reregistration/soil_fumigants/.

EPA has announced that any product shipped by a registrant after December 1, 2010, must have the new label. However, dealers can sell old labeled product until inventories are exhausted. Likewise, applicators can use old labeled product until stock is depleted. If a registrant is also a dealer, old labeled product can be shipped or sold up to December 1. On and after this date, the product must display the new label. So long as the distributor is not also a registrant, there are no specific restrictions for sale or distribution of products with old labels.

Realistically, for the Columbia Basin, new labels containing the first phase of mitigation measures will be in the field and enforceable by spring 2011. Nonetheless, prudence would dictate that some of these measures should be implemented this fall, as a run through for next spring.

Respirator Cartridge Change out Schedule – What is It, Really?

Historically, the use of air-purifying respirators for protection against gasses and vapors in the workplace was permitted, providing that the chemical had adequate odor or irritation warning properties to alert the user that the air-purifying elements had reached their capacity. However, this changed with a recent revision to the Occupational Safety and Health Administration's (OSHA) respirator protection standard ([29 CFR Part 1910.134](#)).

In accordance with the revised Occupational Safety and Health Standards, if working conditions in which the presence of particle, vapor, or gas contaminants require employees to wear an air-purifying respirator (i.e., pesticide label) or if the employer requires respirator use, the employer must provide a respirator with canisters or cartridges that are equipped with a NIOSH-certified, end-of-service-life indicator (ESLI). If a canister or cartridge with an ESLI is not available, the employer must develop a cartridge change out schedule to make certain that the canisters or cartridges are replaced before they are no longer effective ([WAC 296-307-60005](#)).

End-of-service-life indicator (ESLI) is a system that warns the air-purifying respirator user that cartridges or canisters must be changed. An example of an ESLI is a dot on the respirator cartridge that changes color.

Moreover, [WAC 296-307-13045\(3\)](#): Personal protective equipment -- Standards for pesticide handlers reads, "When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the handler employer shall provide the appropriate personal protective equipment in clean and operating condition to the handler." This section of the Worker Protection Standard requires any person who performs tasks as a pesticide handler must use clothing and personal protective equipment specified on the pesticide label that is appropriate for the pesticide product used and for the activity to be performed.

Consequently, any workplace where respirators are necessary to protect the health of the employee from exposure, when provisions of a pesticide label require that a respirator be worn, or whenever respirators are required by the employer, the employer must prepare, initiate, and maintain a written respiratory protection program ([WAC 296-307-60005](#); Figure 6). The employer must also keep respirator program records ([WAC 296-307-60010](#)).

Required elements for a respirator program include ([WAC 296-307-60005\[1\]](#)):

1. Procedures for selecting respirators.
2. Medical evaluations of employees required to use respirators.
3. Seal checking procedures, both positive and negative pressure.
4. Fit testing procedures for tight-fitting respirators.
5. Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations.
6. Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators.
7. Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators.
8. Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations.



9. Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance.
10. Procedures for regularly evaluating the effectiveness of the program.

Element No. 6 refers to a cartridge change out scheduled. Since an ESLI system does not exist on organic vapor cartridges, a cartridge change out schedule must be a component of a written respirator program that specifies how often cartridges should be replaced along with the supporting information that was used to make the decision.

In order to determine an appropriate change schedule, the breakthrough time – that is, when a wearer can taste or smell the material – for a given gas or vapor must be known or estimated. The amount of time before the cartridge no longer provides adequate protection to the wearer from harmful airborne chemicals is usually referred to as the service life of

the cartridge. The service life of a cartridge is influenced, in part, by air temperature, relative humidity, airflow through the filter as influenced by worker exertion level and lung capacity, contaminate concentration, the presence of other chemicals in the workplace, and the amount of activated charcoal in the cartridge. Remember: Breakthrough time is no longer a valid indicator as to when cartridge change out should occur. If breakthrough is experienced, exposure has occurred.

Service-life means the period of time that a respirator, filter or sorbent, or other respiratory equipment provides adequate protection to the wearer by removing a harmful substance from the air.

Back to the question: When should cartridge or canister change out occur? Understandably, it will depend on the circumstances. Service-life of a respirator cartridge or canister used in an orchard setting would be much shorter than one used in a soil fumigant application. In an orchard application, respirators are worn for extended periods in a semi-enclosed setting with a relative high contaminant level, usually in high ambient air temperatures and moderate relative humidity. Conversely, for soil fumigant applications, a respirator is donned intermittently for short-durations in an open space setting, generally in cool ambient air temperatures and low relative humidity.

A general guideline is that a cartridge can be used for eight cumulative hours of use before change out is required, providing the wearer does not experience odor or other warning properties – such as taste, headaches, blurred vision, nausea – beforehand. Eight hours of cumulative use may occur by the end of a day’s work period or over a time period that spans many days. Consequently,

FUMIGANT SOLUTION FOR ALL CROPS

SECTAGON-K54®

PERSONAL PROTECTIVE EQUIPMENT (PPE)
(1) Handlers Performing Direct-Contact Tasks

Applicators and other handlers performing direct-contact activities must wear:

- Coveralls over long-sleeved shirt and long pants.
- Chemical-resistant gloves made of any waterproof material.
- Chemical-resistant footwear plus socks.
- Chemical-resistant headgear for overhead exposure.
- Chemical-resistant apron when cleaning equipment, or when mixing, or transferring without dry-disconnect fittings.
- Face-sealing goggles, unless full-face respirator is worn. A respirator with an organic-vapor-removing cartridge with a prefilter approved for pesticides (MSHA/NIOSH approval number prefix TC-23C), or a canister approved for pesticides (MSHA/NIOSH approval number prefix TC-14G), or a NIOSH approved respirator with an organic vapor (OV) cartridge or canister with any N, R, P or HE prefilter.

Figure 6. This pesticide label requires that a respirator be worn for direct-contact tasks. Consequently, the employer must prepare, initiate, and maintain a written respiratory protection program and keep respirator program records.

a cartridge may need to be replaced before the end of a work day or at the end of a day's work period, which may range from as little as 30-minutes to potentially 12 hours or more of an extended work day. Alternatively, a time period could encompass several days or a much longer period of time, which is characteristic of respirator use during the soil fumigation season.

Whether the written respirator protection program specifies cartridge replacement at the end of a work period, a work day, or eight hours of cumulative use, breakthrough cannot be experienced by the wearer. To help track cumulative time-in-use, the date that the cartridge was placed into

service should be recorded onto the cartridge (Figure 5).



When not in use, the respirator and cartridge(s) should be stored in a clean, sealable bag or container. Preferably, the respirator should be stored separately from the cartridge(s), particularly when a lengthy timeframe may occur between uses.

It is recommended that the respirator be cleaned at the end of each work day. To prevent cross contamination, the respirator should be inspected and clean whenever the cartridges are replaced.

Figure 5. The date that a cartridge is placed-into-service should be written onto the cartridge to assist with tracking time-in-use (see right cartridge).

For additional information on developing a written respirator protection plan or about cartridge change out schedules, please call John McFadden, Health and Safety Consultation Manager for Region 5, Department of Labor and Industries, at (509) 886-5670 or email John.McFadden@lni.wa.gov.

A printable version of **Chapter 296-307 WAC, Part Y-5: Respirators** is available as a downloadable Adobe Reader file at <http://www.lni.wa.gov/wisha/rules/agriculture/pdfs/307party-5.pdf>.

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