

## POM COMMITTEE

Charleston, SC

April 23-24, 2001

### E-COMMERCE

Tim Creger (NE) led a lengthy discussion on e-commerce was had. Some states stated they had received little assistance from EPA. Head Quarters EPA stated it was an issue with them, but an issue that had many questions yet to be answered. The main issues are: 1) are the products legal and registered with EPA & the state, 2) possible illegal claims on the label and 3) no way of identifying the product - no EPA Registration Number and no active ingredient statement. Another issue brought up was laboratories are not able to test for many of the "organic" products. This would include a claim that the inert ingredient is 98% water.

AAPCO will conduct a "Surf Day" before the end of this year. The purpose is to identify sites which may be illegally selling pesticides. EPA will participate in Surf Day.

### WPS ASSESSMENT

Sharon Woodall (NC) The WPS Assessment was led by Dan Palmer from HQ. A final report is due in late 2001. There should be a preliminary report at summer AAPCO meeting.

### WPS GUIDANCE DOCUMENT

Sharon Woodall (NC) Final drafts of this document are at the Regional Offices and should be sent to the SLAs. An issue regarding field inspectors interviewing non-English speaking workers, Marvin Lawson (VA) identified a company (Language Line. They can be reached by telephone by contacting Christine R. Howard at 800.648.0156, ext. 5805. There is also a web site at [www.LanguageLine.com](http://www.LanguageLine.com)) that can provide telephone operators who speak various languages (>100). The operators will translate the questions and responses for the inspector and field worker. Inspectors must have cell telephones for to utilize this company.

### PERFORMANCE MEASUREMENTS

David Fredrickson (WI) In an effort to document environmental measurements, AAPCO contracted with Florida State University to conduct a study on what environmental measurements exist. They found there is a lot of aggregate data available, however, one must be careful in the use of this data. This resulted in a publication which can be obtained at:

David also stated CDC and Environmental Health is going to be doing in vitro sampling of children for various chemicals, including pesticides, and continue to sample these children until they are 18 years of age.

### AUTHORIZATION CRITERIA

Jack Neylan (OECA) EPA has received comments from the states and has done a first sort and

begun to "digest" the comments. They will be coming back to POM for committee comments and input.

Inspector training continues to be an issue within EPA for state inspectors. This is for both federal credentials and state standards. The committee expressed the concern about time, material, cost and location for training. We mentioned that ASPCRO was also working on inspector training and that many of the training issues overlap with the intended uses of the Pesticide Education Centers. We encouraged them to consider utilizing the PECs as inspector training locations as the ground work would already be taken care of and much of the basics prepared and available. OECA is putting together a web based training program. Carlton Lane (Region IV) is leading this work. The states would then use the existing CD ROMs and the ones to be developed as training. It was asked if an inspector would do refresher training on the same CD and the answer was yes.

AAPCO is meeting April 27 with Steve Johnson on the training issue. POM will develop a subcommittee to look into inspector training programs and methods to accomplish this endeavor.

#### 25b ISSUE

Tim Creger (NE) This will be on the June SFIREG agenda and POM expressed the desire that AAPSE be present and participate with this discussion with Jim Roelofs. The states are having difficulty with 25bs and EPA is not taking them serious. It appears, POM and AAPCO desire the 25b products to carry an EPA Registration Number at the minimum.

#### MOSQUITO LABELING

Mary Ellen Setting (MD) She reported on the Region II workshop and stated she thought the meeting was very productive. This too will be on the June SFIREG agenda along with a report on the progress being made. Jim Roelofs stated there are about 18 products that fall into this discussion. AAPCO has a working group addressing this issue and is focusing on adulticide labels to identify good and bad statements on the label and to develop proper label wording. Jim Roelofs stated EPA is shooting for a May 1 label review.

#### FOOT & MOUTH DISEASE DISINFECTANTS

Dave Fredrickson (WI) An USDA sheet was passed out with potential disinfectants to be used in case of FMD. The three issues here are: 1) are the products labeled for such uses i.e. boots, foot dips, etc., 2) how should these products be disposed, and 3) third party labeling The latter is more of a concern when large quantities are involved.

APHIS has applied for a Section 18 for these disinfectants. EPA expects all 50 states to also apply for a similar Section 18 for these disinfectants. It was stated, if a state applied their request would be approved for a three year quarantine Section 18. Rob Forrest is developing a template for a FMD disinfectant Section 18.

#### 2ee

Tim Creger (NE) The issue here is distribution of supplemental labeling. Jack Neylan stated 2ee labels are not to be distributed directly with the pesticide product by the registrant, however, they can be distributed by the dealer with the product.

### SLA/EPA ACTIVITIES REPORTING

Sharon Woodall (NC) The discussion here revolved around how states reported data to EPA. Did the states just report what activities they conducted under the EPA grant negotiations or did the states report both state inspection and EPA inspection activities. The issue is in NC EPA is paying for 13% of the cost at most. In some states, the cost of the programs is \$4 million while EPA pays \$400,000.

### SUPPLEMENTAL LABELING

Phil Tham (TX) Jack Neylan stated it is illegal to distribute supplemental labels with the product. Also, supplemental labels are to be included on the Section 3 label within 18 months of issuing the supplemental label. They can be distributed by persons not delivering the product i.e. extension personnel, crop consultants and so forth.

The problem is most supplemental labels are regional in nature and are not being placed on the Section 3 label. An Action Item has gone to SFIREG but seems to have "dropped out of sight". Phil Tham and Jack Neylan will look into what has happened with the Action Item which reads *"This Supplemental Labeling contains revised use instructions and or restrictions that may be different from those that appear on the container label. This Supplemental Labeling must be in the possession of the user at the time of pesticide application."*

### PHOSPHINE

Paul Liemandt (MN) A brief discussion was had regarding the phosphine fumigation management plan. Most present were not familiar with the FMP.

### ACTIVITY BASED REIs

Chuck Andrews (CA) There is a discussion paper which will be on the POM AAPCO web page on this issue. WPS problems were created when EPA assigned different REIs for different activities for azinophos-methyl and Carzol. The bottom line is that SRRD did not communicate with EPA's WPS section as to whether these label changes would comply with WPS. Chuck said EPA realizes and agrees that multiple REIs are not realistic or enforceable and EPA is going to move away from the use of multiple REIs.

Ann Lindsay has invited Chuck to work with Registration Division on this. AAPSE is to be kept informed through Gina Davis.

### URBAN REIs

Jim LeLand (VT) This discussion was originated by Vermont asking what an REI was on a golf course pesticide. It remains an urban question, of what REIs mean on urban pesticide labels. To me, it is pretty clear. If it says "Keep people off until sprays have dried." then keep people off until sprays have dried.

### CONTAMINANTS

George Robinson (ID) Idaho had a chemical sensitivity complaint resulting from the use of DE. Upon investigation, it was found the DE was contaminated with chlorpyrifos, and two other

pesticides at levels allowed under FIFRA. Based on this situation, POM will be conducting a survey of SLAs as to if they have had similar incidents.

#### PROFESSIONAL USE ONLY

A discussion was held on this wording with several suggestions and alternatives offered. Such wording is not enforceable. AAPCO and POM want these statements off the labels. The bottom line was EPA was not going to instruct their label review group in registration to not allow such wording.

#### SWIMMING POOL

Paul Liemandt (MN) The issues here include expiration dates and use instructions on the containers. This remains with a working group.

#### WOOD PRESERVATIVES

Jim LeLand (VT) This issue remains with a Working Group. The concern is leaching of wood preservatives and contact of the leached material by humans and other life forms. There is a workshop on CCA May 8 at EPA HQ with the focus being on the Consumer Information Sheets.

#### GREENHOUSE USE INTERPRETATION

Paul Liemandt (MN) POM had put to EPA the issue of pesticide use in greenhouses and what is and is not legal for such use. This was a two fold issue. One was to assist states in identifying products that can legally be used in greenhouses and the other was a WPS issue. The WPS issue was small greenhouse operators using homeowner products within their greenhouse production systems. Homeowner products do not carry WPS wording on the label.

A SFIREG Issue Paper asked EPA that "if a pesticide label does not explicitly specify "greenhouses" as a site, is the application of that product to a particular crop a legal application as long as that crop is a site listed on the label?" EPA's reply was: "Registration Division has consistently indicated that the application of a pesticide product to a particular crop in a greenhouse is a legal application provided that the label indicates the crop or plant species; that the use in the greenhouse is consistent with label use directions for the crop; that there are no label restriction against the use in a greenhouse or an enclosed space; and that there are no assessments or information indicating an unacceptable risk to handlers and/or workers resulting from the use of the product in a greenhouse. In other words, if a label bears general directions for use on a crop without restrictions, such as, "for outdoor use only," "for field use only," or "not for use in greenhouse," RD would most likely not determine that the use of that product in a greenhouse on the specified crop would be inconsistent with the label." The EPA goes on to say this issue is not settled and is willing to work with POM on various ways to resolve it in the future.

Jim Roelofs stated he wants input on this issue regarding WPS and the label. Does AAPSE want to comment on it?

#### CHLORPYRIFOS TERMITICIDE LABELS

Von McCaskill (SC) informed POM of a number of chlorpyrifos termiticide labels for the 0.5% use which require the applicator to conduct annual inspections of the structure. This means

forever. SC is not registering these products and SC asked other states not to register these products and to inform their pest control operators of such labels.

#### ROELOFS' COMMENTS

There is a draft letter regarding Azinophos-methyl and phosmet being sent out soon. There will be a request with a very quick turn-around time for benefits information. The letter will go to USDA-OPMP and "Extension".

The OP settlement will have a comment period which will end May 14. A hearing is scheduled for June 14th. EPA thinks the judge will agree with EPA's position and EPA is proceeding on that assumption. This involves the NRDC vs EPA suit.

EPA is accepting diazinon 24c request for crops not covered by the label. The risk assessment did not have any dietary concerns. Therefore, if states need diazinon on crops not maintained by the registrant, the states need to submit their 24c request quickly.

The question of label wording for corn was addressed. The question was if the label states for use on corn, does this include field corn, sweet corn and corn grown for seed. The response was the wording would apply for all these uses unless prohibited on the label.

#### NEYLAN COMMENTS

He said OECA's priority items are WPS, e-commerce, 25b, and unregistered sources of active ingredients - especially imports. He also said Administrator Whitman wants \$25 million to go to the states for enforcement but the specifics are not known. It is known this would be for all media not just pesticides.

Submitted by Jim Criswell