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Debra Edwards, Director  
Office of Pesticide Programs  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 7501P  
Washington, DC 20460

Dear Ms. Edwards:

The American Association of Pesticide Safety Educators (AAPSE) is very concerned over the consideration and approval of recent labeling risk mitigation measures that 1) require training beyond the restricted-use pesticide (RUP) standard defined in FIFRA and 2) are registrant-product-specific -- not based on risk profile, but product. AAPSE is also concerned that certification and training partners were not invited to discuss this mitigation option prior to it being implemented. In addition, more opportunities for internal EPA discussion among the Field and External Affairs Division – Certification Branch, Special Review and Reregistration Division, and Registration Division (RD) should be provided. AAPSE strongly suggests that prior to EPA moving in this direction, discussions occur to develop standards or policies for additional training requirements which are beyond the scope of FIFRA-mandated RUP certification programs for commercial and private applicators. This letter intends to point out serious flaws with the registrant-product-specific training mitigation approach included in the condition of registration for the active ingredient picloram (4 registrant companies) and under review in the soil fumigant registration eligibility document. To clarify, AAPSE is not necessarily opposed to additional training requirements, but wants to be assured there is a well-thought out plan for using this potential mitigation approach; we suggest some considerations for developing a plan of action to use this mitigation approach.

The catalyst for this letter is our understanding that the active ingredient picloram underwent an interim review due to new registration applications and that RD determined that categorizing picloram as a restricted use pesticide was insufficient to mitigate the risk. Several mitigation options were considered by RD and the requirement for additional training was agreed upon between RD and the registrants as a viable option.

**AAPSE's primary concern is why EPA believes RUP certification training is insufficient.**

What triggered the picloram decision related to RUP protections? This question is critical and must be clearly answered. Would restrictions for use "only by certified applicators" with no allowance for supervision mitigate the risk sufficiently? If so, the change is straight forward. Does the current RUP certification standard need updating with new risk categories (water quality, spray drift, soil fumigation) because RUP certification is insufficient? EPA must be able to assure stakeholders that

the EPA-approved additional training components truly cover added risk information when compared to the basic RUP certification training criteria that are implemented in states, territories and tribal lands today? For example, soil fumigants pose unique risks that are not covered in basic certification programs; however with picloram, phytotoxicity and surface and groundwater concerns are largely covered.

EPA must compare the risk to the goal or target of the additional training program; the goal must be to reduce the risk, not merely to develop training resources or offer training.

The AAPSE Board of Directors believes the *four-hour* training requirement for picloram, which Dow AgroSciences has sent to states for continuing education credit approval, is largely duplicative of basic RUP certification training. Very little material in the Dow AgroSciences packet, which EPA RD found suitable, contains information AAPSE perceives to be above and beyond RUP training standards. To require *four hours* to cover a risk concern about phytotoxicity and water quality that is greatly diluted with other “filler” information, will likely distract the applicator and the intended risk message may not be heard or understood. Keep the message simple and straight forward with suitable examples of the concern – train on the risk for mitigation, don’t just train to train and do not set hour limitations without good reasoning.

**Registrant-product-specific training invites exclusionary registrations.** From a marketing perspective registrant-product-specific training requirements makes sense for those who pay to develop/offer training and for controlling access to products, if enforced; however, from a risk education perspective this is only a burden to the end user. Developing a quality risk-based approach instead of product-specific could require support by manufacturers to develop national or regional training materials and outreach efforts that target the risk.

**Why does the burden fall to the applicator?** This may be the most important point. If someone chooses to, or because of marketing in their area, purchase similar products that require they be trained, they must be trained by multiple registrants for the SAME risk profile? For example a company or applicator that ends up with two or three picloram products in their storage, must attend two or three different training programs for the same risk. AAPSE can easily envision some users, because of their scope of work and the markets they do business in, needing to comply with (attend) two or more trainings on the same risk profiles. This does not meet the reality check.

Most importantly, consider the end user and the confusion stemming from multiple training requirements, recertification requirements, and who they need to contact for which training and when. AAPSE members are already receiving calls asking why the state lead agency or Extension Service added these new requirements to picloram and why they have to take more training. They also have asked what other products will have these stipulations.

**How does EPA envision any additional training requirement in relation to FIFRA’s requirement for continuing competency (i.e. state recertification programs)?** We assume that any product requiring additional training is already classified RUP. Should label-mandated re-training be outside of the state’s RUP recertification requirements, or rolled into it? The initial training is outside the context of RUP certification, so what about retraining? If rolled in, do the label-mandated continuing education requirements closely match the state’s current requirements for recertification or numbers of credits? This sets the stage for applicators to meet the registrant-product-specific label-mandated continuing education requirements; thus meeting the state’s

requirements without receiving any training targeting on issues such as other laws, safety, or pest management topics.

**AAPSE's secondary concern is one of noncompliance.**

This additional training requirement is not a condition for the legal sale of the product containing picloram, simply its use. Certified applicators can purchase RUP picloram products after demonstrating basic competency through state exams and certification programs to become FIFRA-*certified commercial or private applicators*. However to legally use this product with the revised label, any person making the application (certified or supervised) must be trained by one or more of the registrants in order for the application to be legal. In the rural Northern Plains and West access to both face-to-face or Internet training, especially for a significant number of certified private applicators, is a real issue that has created compliance issues already for existing certification programs. If certified applicators can legally purchase the product and there is no significant enforcement effort put forward for the new label-mandated training requirement, many applicators may simply ignore that part of the label. This sets up a very poor mitigation measure that could result in noncompliant applicators ignoring other label protections. AAPSE strongly advises EPA that any additional training requirement, including proof of that training, be a condition of sale and use, not just use. If the condition of sale is in place “to only certified applicators who have proof of additional training,” noncompliance issues are greatly reduced and more easily enforced using current methods.

**AAPSE strongly suggests any new training or certification standard be for groups of products that share the same risk profile.** If EPA is finding risk concerns that RUP certification does not address, registrant-product-specific training is not the answer. How many more herbicides that undergo review will share a similar risk profile to picloram? EPA must be able to explain what the risk is that requires mitigation and the need for an additional training burden for certified private and commercial applicators. The applicator must be able to get training for a range of products sharing the same risk and EPA should not expect the applicator to obtain that education one product at a time. As currently envisioned registrant-product-specific training is not reciprocated for users of another manufacturer's product with the same active ingredient. We suggest EPA bring together a community of stakeholders to develop a roadmap for the risks associated with product groups.

**AAPSE suggests EPA 1) develop a plan of action for this decision making and 2) whether it should or should not be integrated into the existing certification and training program.**

AAPSE recognizes there are risks that will be identified that are beyond the current scope of the RUP certification program. Education may be a key mitigation measure, but we need a roadmap to get there. Applicators have an existing relationship with state lead agencies and their certification program as well as university extension services for education programs. Confusion is on the horizon for new players and requirements for training.

AAPSE encourages EPA to carefully assess the suitability of stewardship programs. If such programs are deemed necessary, AAPSE requests EPA formalize a process to address risk mitigations when RUP certification is insufficient; a roadmap for assessment and implementation must be crafted before using label-mandated training mitigation measure. If additional training is to be required by the label, it must be a condition of sale and based on the risk, not the product.

**If label-mandated training becomes the best option for risk mitigation, AAPSE strongly recommends that EPA must clearly ask and set policy as to:**

- 1) who defines the scope of training: risk manager, product manager, multiple divisions
  - a. must target risk and not be redundant of existing training requirements
  - b. national, regional, or small-scale scope
- 2) who within EPA approves the training curricula: RD, RD or C&T, outside stakeholders
- 3) whether training requirement should be melded into current state C&T programs or be independent (registrant-sponsored),
  - a. the current certified applicator program is regulated and enforced
- 4) whether face-to-face courses and internet training can be adequately monitored and, if so, how often to ensure training criteria are being presented and received? Does inadequate training (too little time and reduced quality) allow for enforcement action? What are the consequences to the course sponsor and to attendees if insufficient?
- 5) what funding sources are needed to develop curricula, outreach, enforcement, and tracking of application training and retraining?
- 6) the implementation of a field enforcement program that ensures compliance.

We appreciate your consideration of these concerns for registrant-product-specific label-mandated training requirements and look forward to working directly with the different EPA divisions to increase communications regarding devising a roadmap and setting new guidance policies. We pledge a standing offer to visit with EPA to explain state certification programs to the registration divisions and risk assessors.

Sincerely yours,

Ples Spradley

cc: Bill Diamond, Kevin Keaney, FEAD  
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