

FULL SFIREG MEETING MINUTES
December 4-5, 2006 - Radisson Hotel - Arlington, VA

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ATTACHMENTS

- A.** Regional Reports
- B.** George Robinson=s Working Committee/Pesticide Operations & Management Report
- C.** Joe Zachmann=s Working Committee/Water Quality & Pesticide Disposal Notes
- D.** Dennis Howard=s report on PPDC Meeting
- E.** Sherry Sterling=s PowerPoint (PPT) Presentation on Performance Measures
- F.** Nancy Fitz=s PPT Presentation on Container/Containment Rule
- G.** Joe Zachmann=s PPT Presentation on Pesticide Detections in Water
- H.** Dennis Edwards= PPT Presentation on Cause Marketing
- I.** Tracy Kay Lantz=s PPT Presentation on Proposed PR Notice dealing with Products for HVAC Systems
- J.** Jim Roelofs= PPT Presentation Summarizing Status of SFIREG Issues
- K.** George Robinson=s PPT Presentation on Section 18 Renewals: New Form and Guidance for its Use

MINUTES OF FULL SFIREG MEETING

December 4-5, 2006

Present were: Dave Fredrickson, WI, Chair; Jim Leland, VT, Region I; Maureen Serafini, NY, Region II; Bob Hamilton, DC, Region III; Brian Rowe, MI, Region V; John Brunnert, MO, Region VII; Roy Reichenbach, WY, Region VIII; Chuck Moses, NV, Region IX; and Kim Stricklan, AK, Region X. There were no SFIREG reprs. present from Regions IV and VI. Also present were: Jack Peterson, AZ, President, AAPCO; SFIREG WC/PO&M Chair George Robinson, ID; SFIREG WC/WQ&PD Chair Joe Zachmann, MN; Dan Helfgott, Jim Roelofs, and Georgia McDuffie, Field & External Affairs Division (FEAD), Office of Pesticide Programs (OPP); Jack Neylan, Office of Compliance; Mary Reiley, Office of Water, EPA; Rob Koethe, EPA Region I, repr. the EPA Regional Offices (ROs); and visitors. With Dave Fredrickson chairing the meeting, the following topics were covered:

I. Regional Reports (See ATTACHMENT A for copies of all Regional reports submitted)

Region I - See Jim Leland=s report

Region II - See Maurine Serafini=s report

Region III - See Bob Hamilton=s report

Region IV - See Kathy Booker=s report

Region V - See Brian Rowe=s report. Later in this session, Joe Zachmann reported that an advocacy group had petitioned the MN Dept. of Agric. to disallow any further applications of atrazine, chlorpyrifos, and acetochlor without further review in 2007 by the Dept. It has been determined that citizens are within their rights to submit such a petition, and that the Dept. must respond to it. Initially the time allowed for the response was only 15 days, although that period has been extended another two weeks on request of the Dept, which is currently evaluating the impact of the petition, particularly on those applicators who have already bought pesticides for use in the 2007 growing season. Much effort is being required of the Dept. to prepare a response.

Region VI - No report. However, Jim Criswell, OK Pesticide Coordinator, stressed the need for policy guidance on the issue of automatic misters.

Region VII - See John Brunnert=s report

Region VIII - See Roy Reichenbach=s report

Region IX - See Chuck Moses= report. There was considerable discussion of the issue of intimidation of inspectors during pesticide inspections. Jack Peterson noted the situation had gotten worse in AZ; he has asked Region IX for help and also the AZ Attorney General for inspectors= rights under state law. In ID, one-half day of training on intimidation is being given to inspectors. Such training is also being given in WI, although there has been no increase in intimidation there, nor in NV. Intimidation is not necessarily on the rise in MI. In VT there has been a rise in Aoverall crankiness=.

Peterson gave details of recent >bug bomb= explosions in AZ as a result of applicators= failure to follow directions.

Region X - See Kim Stricklan=s report. She asked for help from other SLAs on the issue of efforts to prohibit the use of disinfectants and sanitizers in schools. George Robinson noted the problem with the new containment Rule as regards states which are currently developing their own regs. vis-a-vis those states with such regs. already in place.

II. Working Committee Reports

A. WC/Pesticide Operations & Management - See **ATTACHMENT B** for Chair George Robinson=s report.

B. WC/Water Quality & Pesticide Disposal - See **ATTACHMENT C** for Chair Joe Zachmann=s notes.

III. Tribal Issues/Tribal Pesticide Program Council (TPPC) Update

Irv Provost, TPPC Chair, noted, first of all, the implementation of Acircuit rider= programs among tribes, with the hiring of one individual to cover pesticide programs of 2-3 reservations. On the issue of invasive species, Provost said tribes need to get a hold of this problem before it hits Indian Country. As regards certification & training, implementation for Navahos has been a good thing. Provost suggested that EPA pick up tribal certification in Region VIII now that CO has taken over the certification of private applicators program from the Regional Office (RO). As for the issue of inspection overkill, tribes need to be considered here as well as SLAs. Provost noted the efforts to get federal credentials for tribal inspectors. The issue arose of what ROs have criteria for tribal inspector accreditation; Provost said he would look into this. He also stressed the need for training of inspectors in the field. Fredrickson invited tribes to attend WC mtgs.

IV. American Association of Pesticide Safety Educators (AAPSE) Report

Mary Grodner, LA pesticide coordinator, stressed AAPSE=s continuing belief that competitive funding for training programs was not the way to go. There will be a considerable reduction in available funds due to the practice of universities taking money off the top, sometimes as much as 40%. Grodner noted that more dollars are being spent now on recertification vis-a-vis certification. She also noted that TV learning was not the same thing as live instruction. There will be a Aquagmire= if the funding issue is not worked out. Grodner expressed AAPSE=s appreciation for the support given in the past by AAPCO on the funding issue; competitive funding needs to be Aput to rest=. She noted the continuing problems with labels, including the need for more color contrast. Jim Criswell asked if the new grant guidance would contain instructions on how states were to report on some issues involving certified applicators using restricted use pesticides (RUPs) vis-a-vis non-RUPs.

V. Pesticide Program Dialogue Committee (PPDC) Update (For materials on the most recent PPDC meeting, see **ATTACHMENT D** for Dennis Howard=s notes)

Dennis Howard, FL, (one of two AAPCO/SFIREG reprs. on the PPDC), noted the increasing

use by the PPDC of work groups on various topics including spray drift, worker safety, registration review, and performance measures. Such work groups can have members from outside the PPDC itself. Re: Registration Review, which is ramping up in FY 2007, implementation will provide stakeholders a chance to weigh in via the new work group; there is need for AAPCO/SFIREG input here. Howard also stressed the need for making analytical methodologies available to state labs. Re: Performance Measures, he noted that some PPDC members felt human health issues were not being addressed adequately. He said OPP Director Jim Jones had given the PPDC another opportunity to review the final report of the Measures work group and come back with comments. Re: Worker Safety, the PPDC is interested in the new C&T and WPS regs. to be proposed, the date scheduled for proposal having been moved back to December 2008. The PPDC had asked for more details on this project, and OPP had come back with 23 issue papers and 8 conference calls. Howard said the work group would present a revised issue paper in the Spring reacting to PPDC comments. Re: spray drift, Dave Scott had explained to the work group the need for label enforceability. Scott had also explained IN=s new rule stressing that drift should not cause harm. There is much interest in this rule on the part of work group members; the rule could become a possible template. Per Dave Fredrickson, Scott=s suggestion was for SFIREG to postpone further discussion of spray drift until Spring, when the PPDC work group recommendations will be forthcoming.

VI. OPP Performance Measures

Sherry Sterling, OPP, gave a PowerPoint (PPT) presentation (see **ATTACHMENT E**) which focused on EPA=s 2006-2011 Strategic Plan measures, Budget Restructuring, and Beyond the Strategic Plan. The Plan has been approved by OMB, and is currently awaiting final approval from Congress. The major performance measures in the Plan are: **1. Protect Human Health from Pesticide Risk** by reducing the concentration of pesticides in the general populations by 50%; improve/maintain the low rate of occupational exposures (3.5/100,000); and reduce by 50% moderate-severe occupational incidents for 6 acutely toxic pesticides; **2. Protect the Environment from Pesticide Risk** by reducing the percentage of urban watersheds exceeding national aquatic life benchmarks; and by reducing the percentage of agricultural watersheds exceeding national aquatic life benchmarks; and **3. Realize the Value from Pesticide Availability** by continuing to avoid \$1.5B in crop loss by ensuring safe and effective pesticides are available; and continuing to avoid \$900M in termite structural damage by ensuring safe and effective pesticides are available. The FY=07 OPP-level performance measures will reflect a transition by augmenting many of the existing **OUTPUT** measures with new **OUTCOME** measures from the Strategic Plan. Meanwhile, other measures will be captured **Ainternally**. Examples of **output** measures include: number of new chemicals registered and number of new uses registered. Examples of **outcome** measures include reducing the concentration of pesticides detected in the general population and reducing moderate to severe incidents for 6 acutely toxic agric. pesticides.

As for budget restructuring, the current structure for FY=07 is on Registration, Reregistration, and Field Programs. The proposed structure for FY=08 will be: Protect Human Health, Protect the Environment, and Realize the Value.

Beyond the Strategic Plan, measures included in the Grant Guidance deal with water quality,

endangered species, worker safety, and Pesticide Education Safety Program (PESP)/SAI. There are also additional internal measures for EPA.

Finally, the next steps for OPP include: finalizing the Strategic Plan; finalizing budget restructuring for the FY=08 submission; and committing to additional Ainternal= measures.

Fredrickson noted that one measure states are involved in is identifying pesticides of concern impacting water quality. It was noted that endangered species are involved in the measures. As for the termite protection measure, this is just a description that does not require state data (it was noted that there was no way the states could track this). In response to a Q. on a high value/high risk compound such as methyl bromide, Sterling said the chemical must be safe to use before anything else.

VII. Endangered Species (ES) - Implementation Role of the Services in Enforcement Issues

Arty Williams, OPP/Environmental Fate & Effects Div. (EFED), reported that the two Services, Fish & Wildlife (FWS) and National Marine Fisheries (NMFS), had agreed to meet with SLA reprs. and conduct a dialogue on enforcement of the Endangered Species Protection Program (ESPP). Preliminary discussions with the Services have been held, and they are amenable to negotiations. There is need for an agreement here due to the possibility of the Services and the SLAs crossing paths. Williams asked for state views on what the issues are in the field. There has been one incident so far involving a migratory bird death; is the issue broader? Fredrickson noted that SLAs would have to collect and sample dead ES to determine if a pesticide were involved; this might involve a violation of Service regulations. Citing an example from NE, Tim Creger noted FWS warnings of the possibility of violating Service rules if an SLA official were found in ES habitat. Williams said most FWS investigations are criminal, whereas most state/EPA investigations are civil. Chuck Moses noted the need to involve regional FWS personnel, due to the independence of Service regions. However, Fredrickson said it was important first to deal with FWS HQ before going to the regions. He suggested regional Service personnel be invited to pre-SFIREG meetings. Williams noted that the above discussion applied especially to the FWS, less so to the NMFS except for salmon. Phil Zahodikan suggested a Memorandum of Agreement between the Services and EPA regarding the handling of dead ES. Dennis Howard agreed with this idea, noting the problem in FL of mosquito spraying causing ES deaths. George Robinson noted the holding of ES samples in ID freezers and FWS desire to acquire these. Jim Leland raised the problem of when the FWS or USDA is actually the registrant for a pesticide. Kim Stricklan suggested that veterinary involvement in SLA-Service contacts might be useful. Williams said SLAs need to think about what they should do if they come across possible ES; should they contact the Services? The answer appears to be, they should.. Fredrickson suggested two steps: 1. refer the issue to the WC/PO&M for further fleshing out; and 2. ask regional reprs. to invite FWS reprs. to pre-SFIREG meetings. Williams suggested that a smaller state group, e.g. Fredrickson and Robinson, make initial contacts at Service HQs, and Fredrickson agreed that Williams would talk with the national Services staff first. **ACTION ITEM:** It was agreed that Fredrickson, Robinson, Williams, and Neylan would conduct a conference call with FWS HQ reprs. Williams will organize this call.

VIII. Implementation of Container/Containment Regulations

Nancy Fitz, OPP/FEAD (703-305-7385), gave a PPT presentation (see **ATTACHMENT F**) and asked for comments/Qs. Jack Peterson wondered whether inspectors would inspect compliance with the new Rule while doing a federal establishment inspection or under the title of use inspection, residue removal being considered a part of use. Another Q. arose about whether the criteria should include specific information about the level-of-effort. However, Fredrickson said the states believe there cannot be a national standard for level-of-effort. Still another Q. came up over Pesticide Establishment Inspections (PEIs): what if a state does not do PEIs? Jack Neylan said every state should either do these inspections or have an agreement with its RO to do them. He noted that one purpose of OECA=s National Agric. Center was to reach out to stakeholders, including agric. groups of different kinds. Outreach here needs to be to the producers who are filling the containers. Fitz said her office was working on >How to Comply= policy guides for the new Rule. A Q. arose as to what to do if containers are of a size not covered in the Rule. Fitz said EPA would address this issue. She asked when states needed to see the draft guidance, which should be out in early January, 2007. There was no objection by SLA reprs. to the current schedule which calls for meeting the statutory deadline of August 2008. There was also no objection from members to the draft time line for states meeting the containment equivalency requirements. As regards states with no current containment requirements, Fitz said there was no policy in place yet; however, OPP knows it has to address this issue (it was mentioned that ID and DC are in the process of promulgating containment regs.). It was also noted that SLAs can adopt the federal rule by reference to it in their own regs.). Fitz stressed that the federal containment reg. does not kick in until 2009. This rule does not impact state primacy; only residue removal does this. If states don=t have containment regulations in place now, they have until 2009 to meet the federal requirements. States can enforce the new Rule using federal credentials, although they are not required to do so.

IX. E-Labeling and Label Identifiers

George Robinson briefly discussed the status of the pesticide label identifier project in the POM committee. Steve Foss, WA Dept. of Agric., is heading up this project and it is slowly moving forward. There has been considerable progress made in getting registrant participation in the process, and Foss is hoping for an approved numbering scheme by the next SFIREG meeting in June 2007. He did not have any specific documents for review or approval by the Full SFIREG at this time. Robinson noted that bar coding was definitely out as a possible scheme.

X. Water Quality Benchmarks and Metabolites in Water

Joe Zachmann began by reading a summary of Kean Goh=s presentation at the Nov. 6-7 WC/WQ&PD meeting on the pyrethroids (see **ATTACHMENT K** to the minutes of that meeting). Zachmann noted that this was an important undertaking by a major state calling in data on an important class of pesticides. He then presented a PPT (see **ATTACHMENT G**) which focused on tools necessary to evaluate pesticide detections in water. He noted that there are few ambient water quality criteria for currently registered pesticides; most criteria are for what are

called >legacy= pesticides. Atrazine (and other triazines) is the only EPA-verified immunoassay for a commonly used pesticide. As for the quantification of ground water risk under the Safe Drinking Water Act (SDWA), few Maximum Contaminant Levels (MCLs), which are regulatory figures, have been set for currently registered pesticides or their degradates. There are more Health Advisories, derived primarily from OPP registration data, but these are provided as guidance to states and carry no regulatory weight within EPA. As for the quantification of surface water risk, under the Clean Water Act (CWA) there are few Ambient Water Quality Criteria (AWQC) for currently registered pesticide a.i.s or their degradates. At the state level, state specific efforts are often needed to characterize risk for private wells, and they might default to MCLs, which have a different purpose, or undertake state-specific rule-making in the absence of federal criteria. State toxicologists or health departments often issue advisory or guidance values in the absence of such criteria for pesticides in drinking water.

Zachmann said that the WC/WQ&PD had surveyed the states asking them to describe their monitoring projects and efforts, and to name the priority compounds being found in ground and surface water. The results of this survey and other WC efforts indicate a general lack of standards, criteria, or benchmarks for the pesticides being detected. Additional interest in the area of benchmarks arose during the simultaneous effort being undertaken by OPP/FEAD in response to OMB=s Program Assessment Rating Tool (PART) effort. SFIREG participated in performance measure development and helped develop a tiered approach to measurement. The approach rests, in part, on the availability of evaluation tools like benchmarks in order to determine if a pesticide that has been Aevaluated≡, is of Ainterest≡, or is of Aconcern≡. Thus, benchmarks are needed to: **1.** evaluate monitoring program results; **2.** evaluate Best Management Practices (BMPs) and mitigation programs; **3.** communicate risk to stakeholders; **4.** participate in impaired waters programs; and **5.** participate in FEAD performance measures reporting.

Zachmann noted that at the same time the WC/WQ&PD was engaged in the above activities, the U.S. Geological Survey (USGS) had published a comprehensive report on pesticides in the nation=s streams, ground water, and bed sediment that spanned from 1992 to 2001. For pesticides included in the study, the only USGS benchmarks for ground water were MCLs, Lifetime Health Advisories, and cancer guidelines. For surface water the benchmarks included available AWQC and a comprehensive list of readily available OPP registration and reregistration data (i.e. from published Reregistration Eligibility Documents (REDs), etc.). Several contemporary pesticides, e.g. isoxaflutole, were not included in the USGS study, and many benchmarks were not available.

EPA Regional coordinators in Total Maximum Daily Load (TMDL), monitoring, and pesticide programs were asked to identify pesticides with potential aquatic ecological concerns to be considered in OPP-OW coordination efforts. Zachmann noted that this was not necessarily the same as a Regional priority list for benchmark needs, but it came very close (See **ATTACHMENT G** for the list). He said the list was alphabetized, but was not a priority list. If triazines are included, seven of the top ten compounds identified through the WC/WQ&PD survey appear on this list also.

Zachmann noted that a USGS list assembled by OW for a presentation to PREP (again, see **ATTACHMENT G**) was not so much a list of priority compounds for which USGS would like benchmarks as it is an accounting of pesticides that exceeded benchmarks, and a tabulation of

EPA successes in taking some sort of mitigation or regulatory action. Only one compound, atrazine, appears on both lists. One of the five most commonly detected herbicides in streams in the USGS study (and which is included in the WC/WQ&PD list) - acetochlor - does not have a published benchmark. Another commonly used herbicide that is known to contaminate surface water but which was not included in the USGS study (it is also included in the WQ&PD list) is glyphosate. The status of a benchmark for this compound is unknown. It should be noted that because compounds like acetochlor and glyphosate and various degradates were either not included in the USGS study or don't have benchmarks for reasons described in the report, USGS noted that ANAWQA results should be expected to underestimate the overall occurrence of pesticides and degradates in the many of the hydrologic systems that were studied.≡

Zachmann noted that the reasons for the SLA-USGS differences had led to a request from SFIREG to OPP/OW for a list of all benchmarks verified by EPA for the USGS report and for the USGS Health Based Screening Levels (HBSLs) for drinking water. In their Nov. 3 response, OPP/OW provided a list of surface water screening benchmarks with encouragement for their use in evaluating risks in the absence of OW criteria. However, no new screening tools were provided in the response for drinking water (although EPA collaborated with USGS on HBSL method development, EPA has not used HBSLs for pesticides although USGS has).

As for the next steps to be taken with regard to surface water, Zachmann listed the following: **1.** Request missing benchmarks to complement the WC/WQ/PD=s priority list; **2.** Fill additional gaps where possible; **3.** Explore utilization of benchmarks for state-level criteria development; and **4.** Develop a priority list for AWQC starting with five a.i.s. The next steps for ground water are: **1.** Explore with OW possible non-MCL/Health Advisory Level screening benchmarks; **2.** Explore use of OPP registration data for state-level drinking water standards; and **3.** Explore OPP-OW Safe Drinking Water Act (SDWA) interaction in the areas of MCL development, unregulated contaminant monitoring, and registration & FEAD feedback loops. Zachmann said the WC/WQ&PD needed to develop a better understanding of how compounds move up to MCL development status.

In the area of SFIREG coordination with the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), Zachman noted PREP courses (both participants and presenters), SLA participation in conference calls on the 2nd Tuesday of each month with ASIWPCA=s Monitoring, Assessment & Standards Task Force (MAST), attendance of ASIWPCA reprs. at SFIREG meetings, EPA communications/Clean Water Act reporting, and state monitoring & sampling projects.

Zachmann cited a list of challenges to be faced by everyone in evaluating and responding to water pollution by pesticides as follows: **1.** Method detection/reporting limits; **2.** Endocrine disruption & low dose testing; **3.** Progress on cumulative risk assessments for compounds sharing mechanisms of toxicity; **4.** Mixtures; **5.** Inerts; **6.** The fact that the OPP reregistration and registration review queues may not match SLA needs; and **7.** degradates.

Zachmann then reviewed the degradates situation (again, see his slides for full coverage). He noted that for each metabolite or degradate (M/D), EPA considers the potential for exposure to the M/D in the human diet and the relative toxicity of the M/D to the parent. Unfortunately, EPA pursuit of M/D toxicity and fate data during registrations does not immediately translate into federal drinking water or surface water standards, MCLs, guidelines, etc. EPA M/D assessment has been fine-tuned recently, so evaluation is primarily for new compounds. Presumably the

same fine-tuning will take place for old a.i.s that undergo reregistration/registration review, though their position in the queue may not match SLA priorities. Zachmann noted that if EPA states that an M/D is of equal or lesser toxicity than the parent, the degree to which it might be of lesser toxicity is not always quantified. Can we quantify for risk if EPA states that the M/D is of equal or lesser toxicity? Also, risk Qs. remain when combined parent and M/D concentrations threaten to exceed a benchmark. Zachmann noted the strong concern in MN and WI over the issue of what do M/Ds of alachlor mean when found in water. He noted that SLA concerns and the WC/PD request for M/D data had led to preparation of a tracking table containing 14 a.i.s and 43 degradates (again, see Zachmann's slides). The table contains a number of Qs. in three areas: human health risk assessment, ambient water criteria for aquatic life, and environmental fate & transport. Objectives of M/D tracking are to: **1.** Have EPA compile data for M/Ds detected by SLAs; **2.** Begin with Ayes or No answers to a series of Qs; **3.** Develop understanding for lack of data and possibility of future data; and **4.** Communicate known risk to stakeholders. As for SLA utilization of M/D data, if there is sufficient data, benchmarks can be

developed for M/Ds alone and for parents plus M/Ds if they are of equivalent toxicity or if they share a common toxic endpoint. If there is insufficient data, SLAs can conservatively assume that the toxicity of the M/D equals that of the parent, or they can convey other appropriate risk information if available. Zachmann noted that EPA had partially completed the table, but internal verification of response consistency across chemical review managers, toxicologists, and environmental fate specialists was essential. It is expected that the table will be completed sometime in 2007. However, there are a number of M/D challenges; even with toxicity-fate data there are lab issues, e.g. equipment capabilities, methods not being always available or quickly adopted, detection and reporting limits (limits and validation criteria often differ from those of USGS), and resources, both seasonal and personnel.

A Q. arose as to the meaning of HBSLs. Mary Reiley, OW, noted that there has been no validation of HBSLs; they only represent a calculation, and therefore OW can't use them in setting benchmarks. Zachmann noted that SLAs wanted to use HBSLs only in screening, but not in a regulatory vein. He said glyphosate and acetochlor would be included henceforth in USGS evaluations. However, SLAs still need a baseline list to determine Pesticides of interest. State rather than federal determination of this list will be the best approach.

Dave Fredrickson then asked two questions: **1.** Does SFIREG support WC/WQ&PD efforts to push on the development by OW/OPP of benchmarks? and **2.** Does SFIREG support continued outreach to ASIWPCA? SFIREG reprs. responded that they fully supported the development of aquatic and health based benchmarks or standards. Also, there was no problem in involving ASIWPCA in SLA water pollution control activities.

XI. Office of Pesticide Programs Update

Jim Roelofs reviewed the following topics: **1. Petition on Section 25(b) Products** - OPP has received a petition requesting a change in 40 CFR Part 152.25 to eliminate from exemption any product that would control a public health pest. The comment period closed Nov. 16; however, OPP has agreed to a 30 day extension which will open shortly and close in early January; **2. Plant Incorporated Protectants (PIPs) Data Requirements Rulemaking** - The effort to

establish data requirements by rulemaking for PIPs under 40 CFR Part 174 is under way. The work group's Analytic Blueprint is scheduled to reach the Ass't Admin.'s office shortly. The ABP outlines the work group's priorities and workplan to move this rulemaking from inception to publication in the FR and ultimately in the CFR; **3. OPP Labeling Committee - A. Warranty and Liability Disclaimer Language** - OPP recently posted a paper that gives examples of acceptable and unacceptable language on the Alabeling consistency website. OPP staff was trained in warranty statements in mid-November; **B. Response to Comments Issue Paper (IP) on AFor use only by...** - As result of a briefing by the LC of OPP Division Directors, OPP has posted the above IP on the labeling consistency website. The document gives a synopsis of the comments received and explains EPA's position on certain aspects of the issue; **C. New PR Notice** - The Division Directors have also approved a PRN to allow certain lawn/garden consumer products to have environmental precaution statements recommended last June by the PPDC work group on consumer labeling. Changes will be voluntary, and are meant to make the precautions easier for consumers to understand and follow. OPP plans for the PRN to come out in draft this Winter and go final before the Summer of 2007; **D. Minimum Use Rate (MUR)**- OPP has posted a short paper requesting comments on the issue of whether a label can set an MUR for any reason other than risk mitigation or efficacy. There have been few comments thus far; and **E. Label Review Manual (LRM)** - OPP will start posting the first three revised/updated LRM chapters to the OPP website within the next week; the plan is to post all 19 chapters by the end of Winter. OPP Update notices will be used to tell people when new chapters are up. Changes are minor, because the LRM cannot set new policy - only clarify or give examples. The LRM is intended as a living document with many links built in.

XII. Fund Raising Logos on Labels

Dennis Edwards, Antimicrobial Division (AD), OPP, gave a PPT on Acause Marketing (see **ATTACHMENT H**). Clorox and the Red Cross had met with AD in March 2006 requesting permission to issue labels stating that Clorox would donate a small percentage of the purchase price of the product to the Red Cross. OPP originally said it could accept such labels with the provisos that the Clorox logo had to be on the back panel and that the Red Cross logo could not be used. After a subsequent meeting in July, OPP Director Jones approved use of the Red Cross logo on labels under the conditions proposed by Clorox. OPP then approved five products with >cause marketing= language. The labels, accepted on Oct. 17, could be issued twice a year, in Febr. and Sept., with the length of the promotion six to eight weeks. The language accepted included the phrases ADedicated to a healthier world, AHelp Clorox raise \$1M for the Red Cross, and use of the Red Cross logo; this language will be on both the front and back panels.

Edwards said Jones had asked OPP to develop criteria for future similar situations and to lay out parameters for companies to use in such situations. Initial criteria include: **1.** the addition of charity language constitutes a label amendment, not a notification; **2.** the organization involved must be a legitimate charity; **3.** details of the arrangement between the charity and the registrant must be provided; **4.** it may be appropriate to limit acceptance of the charity language to a specific time interval negotiated between the charity and the registrant. In other words, there will be a limited promotion period, and the registrant must understand that this is not a permanent

label; **5.** a consumer survey may be required; **6.** There must be no direct or implied statement that the charity sponsors or endorses the product, and there must be a disclaimer to this effect on the label; **7.** registrants must certify that all references to the donation plan and any charity participation will be consistent with Better Business Bureau guidelines; **8.** all references to the charity/logo/symbol and required qualifying statements must be all located together on the label; and **9.** all print must be of the same size, color, font, etc. and of equal prominence. Edwards said OPP intends to have the Labeling Committee review cause marketing and publish its recommendations on the EPA website.

Edwards noted that Clorox survey results had shown no great improvement in sales. As to what would happen if results should show an increase in sales, he said OPP hadn't faced this yet. He also noted it would be hard for OPP to guarantee that the dollars promised would actually go to the charity; OPP may need to work on this issue in the future. The current criteria are not set in stone, and can be added to. Any SFIREG comments should be sent to himself or Jim Roelofs; there is plenty of time to get comments in. A Q. arose about codifying the criteria. Edwards said this would not be done because OPP wants to get the criteria out quickly so that it won't have to argue about them with registrants.

Fredrickson asked if SLAs would have a problem with accepting cause marketing labels. The only states represented at the meeting indicating such concern were NY, NC and FL. Maureen Serafini noted that cause marketing labels with time-limited approval would be out in the market place for a long time. She is concerned over the NY Attorney General's possible opposition to these labels. Fredrickson said he would raise state objections with Jim Jones in the post-SFIREG meeting with OPP-OC management that afternoon. SFIREG may need to get back to OPP later on after some experience with cause marketing.

XIII. Antimicrobial Division (AD) and Products for HVAC Systems

Tracy Kay Lantz, Regulatory Specialist, Antimicrobials Division, OPP, gave a PPT (see **ATTACHMENT I**) which focused on a proposed PR Notice (PRN) entitled *Use of Antimicrobial Pesticide Products in Heating, Ventilation, and Air Conditioning Systems*. The PRN was issued for 60 day comment on Sept. 21; OPP intends to extend the comment period shortly for another 60 days. An earlier PRN was never finalized. On March 14, 2002, OPP sent a letter out for dissemination to users of antimicrobials in HVAC systems. The letter, which is available on the AD website, noted that there were no data to support product claims including efficacy, and that EPA had much concern over the use of products in these systems. Following implementation of a PRN, it would be clear if a product had been approved for a ventilation system. Thus far 11 comments have been received by the docket, the number for which is 2006-0351; commenters include the NY Dept. of Health and the state of MN. There are comments from registrants and from trade associations (The Chlorine Institute asked for a 90 day extension). Several comments suggested the need for enforcement of current label language; however, Lantz noted that OECA believes current statements are too vague to enforce. She also noted that OPP was disappointed in the lack of response to the proposed PRN, and she encouraged SLAs to submit comments when the comment period reopened later in December. She cited the need for products to be assessed for safety concerns before being used in HVACs. OPP is attempting to do risk assessments on products for HVAC use. If registrants want this use,

they should come in with a request for it. OPP does not wish to eliminate the use, but rather to eliminate any risk to applicators or others. OPP intends to exclude products not intended for use on hard, non-porous surfaces per requirements of the PRN. Chuck Moses suggested adding the term Aduct work≅ to the ventilation systems statement on the label.

Lantz asked that information on the PRN be disseminated widely. Fredrickson suggested obtaining comments from building code officials. Brian Rowe noted that most homeowner users would not receive the necessary info on HVAC treatments; he said MI would send in comments.

XIV. Label Language on Drift

Pat Cimino, OPP, described a voluntary program on the part of applicators to prevent drift. The program would involve applicators keeping records of their applications whether or not the pesticide was an RUP. Cimino asked if growers would go for this proposal; there would be certain advantages for them. Rowe said it would be hard to predict how useful this proposal might be in MI in preventing drift; he described the current MI program for preventing it. Fredrickson noted that WI had a strict liability requirement with a strong enforcement presence, i.e. Aif you drift, you pay≅.

Carl Eichenwald, Office of Civil Enforcement (OCE), OECA, noted that as a result of the Wabash court case involving drift, OCE was preparing an enforcement guidance-on-drift document that, following clearance from Bill Diamond=s office, would be put out for SLA review. Eichenwald said that there must be an enforceable scheme for preventing drift. Fredrickson noted that Dave Scott believes Awe are getting close on this≅.

XV. NAFTA Labeling

Jim Gray, ND, spoke to Full SFIREG on the speakerphone from Montreal. He noted that the NAFTA Technical Working Group (TWG) had been working on pesticide harmonization for ten years now. Among the advantages of this will be: harmonization of regulatory systems, harmonizing pesticide uses, elimination of barriers to free trade in pesticide-treated commodities, and creation of a North American pesticide market. Gray noted current price disparities; Canadian growers were now feeling the pinch because of the recent swing in currency between Canada and the U.S. There is a need for creation of a NAFTA pesticide market, both for convenience sake and in order to eliminate price disparities resulting from differences in labeling. The TWG sub-team strategy is to create a NAFTA pesticide market, with focus on US/Canadian labels under the term ANAFTA Labels≅. Issues include, for one, how to deal with the Confidential Statement of Formula (CSF).

At this point, Erin Cook, Office of General Counsel (OGC); Lois Rossi, Director, Registration Division, OPP; and Cathy Monk joined the speakerphone discussion from Montreal. Gray outlined the TWG sub-team focus on possible different formats as follows: **1. Dual Label** - i.e. U.S. label on one side, Canadian on the other; **2. Joint Labeling** - One label document sharing as much label language as possible; **3. Use of E-Labeling** - i.e. a direct URL to download the U.S. or Canadian label as appropriate; **4. >As if= Electronic Labeling** - i.e. the dealer would hand the label to the consumer; and **5. Two Sleeves in the Container** - i.e. the U.S. label would be in one sleeve, the Canadian in the other.

Cathy Monk then listed the products being worked on for purposes of label harmonization. Gray said a Gowan Co. product, triallate, a pre-emergent herbicide (trade name = Fargo), was the product closest to realization of this goal; there will be a basic container label with specific country labels attached. The basic label will have an ingredient statement and a hazard statement etc., with country specific material on individual sleeves. The Q. arose whether OPP would approve the entire package or just the U.S. label. The answer was that the container label would be approved by both the U.S. and Canada. It was noted that the EPA reg. no. for >Fargo= will not change; it will be up to Gowan to decide where to market the product. Gray asked how many states would require new labeling if a product were discontinued and then reregistered. The answer was that about half the states would require this; if a product changes its name, its a new product. Gray said it was highly probable that the first NAFTA labels would appear for the 2007 growing season. He noted that Syngenta=s >Reflex= was close to having a dual label. Gray also said there appeared to be few enforcement issues on the horizon. He noted amendments to E-labels would be a part of the regular label amendment process. The Q. of use of French on labels, which will be required in Canada, came up. Jim Leland expressed concern over some VT growers possibly using the Canadian French label. Gray said Lois Rossi was chairing the TWG sub-team, and would like to get state issues out on the table quickly.

Gray noted the need to move forward on the harmonization issue, with E-labeling strategy being the best solution. States should work with the WC/PO&M to determine if harmonization is doable from a regulatory standpoint, and to get widespread acceptance of the concept. Fredrickson noted the problem of statutory requirements among a lesser group of SLAs, but said he knew of no state that thought label harmonization couldn=t be done.

Jim Roelofs noted the SLA wish list if OPP decides to revisit the CFR and promote a new distributor E-labeling rule. Hopefully OPP will make this decision in FY=07.

XVI. Review and Action on SFIREG Issues

Jim Roelofs presented a PPT (see **ATTACHMENT J**) with a summary of SFIREG Priority Issues divided into five categories: **1.** Issues submitted with an EPA decision pending; **2.** EPA actions underway; **3.** Position papers - no specific project; **4.** Parking Lot (SFIREG reconsideration) issues; and **5.** Issues completed in 2005 and 2006. The issues in Category #1 (and, throughout the categories, dates presented by SFIREG) include: Revision of PR Notice 87-1 on Chemigation (Dec. 2005); and E-Labeling (June 2005). The issues in Category #2 include Termiticide Labeling and Guidance (1998, with an issue added in 2003); Incident Data (1999); Mosquito Mistars (Sept. 2004); and Drift Issues (2005-no issue paper). The one issue in Category #3 is Homeland Security. Issues in Category #4 include: Roles/Policies for Plant Incorporated Protectants (PIPs); EPA/FDA Jurisdiction Issues; Support for State Labs; Revisiting of Cross-Contamination Limits (PRN 96-8 - 2003); and Support for Surface Water Monitoring (1998). Issues in Category #5 include: Mosquito Labeling (1999); Multiple Re-Entry Intervals (2001); and Section 18 Regulations (1996).

In the discussion that followed, SFIREG agreed to withdraw or delete all of the >Parking Lot= issues (i.e. all of Category #4).

XVII. Section 18 Renewal Process

George Robinson distributed hard copies of the AExpedited Section 18 Form Guidance as well as the form itself (see **ATTACHMENT K**) and reviewed both documents briefly. He noted the recommendations made by the WC/PO&M for the form and also by the AAPCO Section 18 Task Force, Chaired by Charley Clark. Robinson indicated his desire to have the form posted on the AAPCO Website with appropriate links. He noted that Dan Rosenblatt, the official in RD responsible for Section 18s, supported the idea of a speedier renewal of exemptions when necessary. Robinson said he would like Full SFIREG to review the form and accompanying guidance and get comments back to him before the end of December. He noted that many SLAs were already using the form, which will provide more consistency. **ACTION ITEM:** Fredrickson asked for SFIREG reprs. to submit comments/concerns to Robinson by Dec. 12.

XVIII. Office of Enforcement & Compliance Assurance (OECA) Update

Jack Neylan reviewed the following topics: **1. FY2007 Budget** - There is no EPA budget as yet; Congress is working on a continuing resolution which may continue indefinitely. Pesticide enforcement grant funds will be authorized at the same level, i.e. \$18.9M, as in FY2006; **2. Residue Check Sample Program** - Region V is leading the effort to develop a more formal check sample program (Kevin Armbrust noted the proposal by the AAPCO Lab Committee along this line). OECA has \$73K to jump start the program, but it will eventually need to be supported by SLA funds. Region VIII under Linda Himmelbauer will be taking over the lead from Region V; **3. Updating of Time Factors for Inspections** - OC would like SFIREG to work with it on this effort, i.e. a Sidebar work project; Neylan asked SFIREG for ideas on 7-8 categories of inspections. Fredrickson noted that SLAs would help with this project; **4. PIP Rule Making** - There is a problem of clarity in the Section 7 regs. on establishment registration and reporting on how to report production of PIPs to EPA. There is need to address more clearly if and how PIPs should be reported. An Advance Notice of Proposed Rule Making (ANPRM) is anticipated the first quarter of CY2007; **5. Explosion of Anhydrous Ammonia Nurse Tank** - This happened in IA; Neylan noted Dept. of Homeland Security requirements for testing of such tanks.

The meeting adjourned at 11:50 a.m.