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EPA Update

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PREC, July 15, 2010

Recent activities

- Spray Drift
  - Pesticide Drift Labeling
  - Petition to Protect Children
- Inert ingredients—ANPRM
- Risk assessment
  - OPP and OW common ecological effects assessments
  - Revised methods for workers, children of workers and pesticides with no food uses
  - ~~Field volatilization~~

Pesticide Drift Labeling

PR Notice

Docket: epa-hq-opp-2009-0628

- Broad interest
- History of incidents from pesticide drift
- Existing product labels contain widely varying language
- Recommendations by external workgroup (PPDC Spray Drift Workgroup)

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

Purpose and Goal of Guidance

- Purpose:
  - Information to registrants on revising pesticide drift labeling
  - Plan for orderly revision of labels
  - Provide information on EPA's interpretation of proposed labeling
- Goal:
  - Improve labeling consistency, clarity and enforceability
  - Reduce drift to protect people, non-target organisms, and the environment

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

Applicability

- All outdoor use pesticides which have the potential to drift during application
- Liquid and solid formulations
- Ground, aerial and handheld application methods
- Agricultural, commercial and residential use sites

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

Approach:

- Set a risk-protective standard for all products with general statements
- Allow flexibility to tailor mitigation to address the risks of particular pesticides (ag and commercial) with product-specific drift/risk mitigation measures

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

General Statements—Agricultural and Commercial Products

- "Do not apply this product in a manner that will contact workers or other persons, either directly or through drift."

Risk protective standard:

- "In addition, do not apply this product in a manner that results in spray [or dust] drift that could cause an adverse effect to people or any other non-target organisms or sites."

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

General Statement for Non-Commercial (Homeowner) Products

Risk protective standard:

- "Do not apply this product in a way that could contact people, or that results in spray [or dust] drift that could cause harm to people, pets, property, aquatic life, wildlife, or wildlife habitat."

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

Product-Specific Statements

- Product-specific application restrictions will be determined on a case-by-case basis, through OPP's usual risk assessment processes
- Restrictions *could include*
  - maximum/minimum wind speeds
  - maximum release height
  - minimum droplet or particle size
  - buffer zones for sensitive sites

- The draft PR Notice *does not require these kinds of restrictions for all products*

Pesticide Drift Labeling

Docket: epa-hq-opp-2009-0628

- Comment period ended March 5, 2010
  - ~ 700 different comments received
  - ~ 30,000 signatures/write-in comments
  - Use of the term "could cause"
    - Concerned about "no drift" standard; EPA does not intend a "no drift" interpretation
  - Chemical manufacturers, issue groups, crop organizations, forestry industry, aerial applicators, equipment companies, environmental and advocacy groups, organic and conventional growers and beekeepers

- No definitive timeframe for concluding review of the comments and making any modifications to the PRN.

Petition to Protect Children

Docket epa-hq-opp-2009-0825

- Filed by coalition of worker advocates, October 2009
- Asks EPA to:
  - Evaluate exposure of children to pesticide drift and impose safeguards
  - Adopt interim prohibitions on use of toxic drift-prone pesticides such as OPs and carbamates near homes, schools, parks, and daycare centers or wherever children congregate

Petition to Protect Children

Docket epa-hq-opp-2009-0825

- 60 different comments received
- Over 38,000 from write-in campaign
- EPA workgroup is evaluating policy and technical aspects
- EPA activities relating to children and drift:
  - Administrator's statements on children's health and air toxics
  - Drift Labeling PRN
  - Expansion of WPS to include child workers
  - Revision of worker risk policy
  - Volatilization SAP
  - Residential exposure SOPs

Inert Ingredients

Advanced Notice of Proposed Rulemaking

- FR Notice issued December 23, 2009
- EPA response to two petitions seeking disclosure of hazardous inert ingredients on pesticide labels
  - NGOs
  - State Attorneys General
- EPA seeking comments on options
  - Require disclosure of potentially hazardous inerts
  - Require disclosure of all or most inerts
- Comment period ended April, 2010

Inert Ingredients

Advanced Notice of Proposed Rulemaking

"Potentially hazardous" options

- Statutory, regulatory or other listings (e.g., CWA, CAA, RCRA, etc.)
- Criteria for ingredient-by-ingredient determination
- List of specific chemicals

Inert Ingredients

Advanced Notice of Proposed Rulemaking

- Few hundred comments
- Largely in favor
  - Citizens
  - NGOs
  - Cities, POTWs, Municipal Hazardous Waste
  - Academics
- Not in favor
  - Industry
- Label vs website vs other location for information

OPP and OW Common Effects Methodology for Ecological Assessments

- General goals of the project are to:
  - Build on approaches and methods developed and used by both programs and make ecological effects assessment methodologies consistent.
  - Enable OW, OPP, and stakeholders to make consistent and best use of available data, with the focus on chemicals with smaller data sets than those currently used to derive ALWQC.
  - Improve communications on consistency of EPA effects assessments.

OPP and OW Common Effects Methodology for Ecological Assessments

Three White Papers

- Development and Evaluation of Predictive Tools for use in Derivation of "Community Level Benchmarks"
- Development of Aquatic Life Community Level Benchmarks with datasets that do not conform to the "1985 Guidelines"
- Methods for incorporating aquatic plant effects into community level benchmarks

OPP and OW Common Effects Methodology for Ecological Assessments

- Process will be transparent
- Stakeholder comments will be considered in developing the White Papers
- National multi-stakeholder meeting in DC to solicit public comment (Summer/Fall 2010)
- SAB-SAP meeting on proposed approaches (Fall/Winter 2010 - TBD).
- Agency is committed to legally and scientifically defensible approaches

OPP and OW Common Effects Methodology for Ecological Assessments

Follow along at:

http://www.epa.gov/oppefed1/cwa_fifra_effects_methodology/index.html (Or web search: OPP OW common effects)

Docket epa-hq-opp-2009-077

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Revised Risk Assessment Methods: Workers, Children of Workers, and Pesticides With No Food Uses

Docket epa-hq-opp-2009-0889

- FR Notice December 2009
- Comment period ended April, 2010
- Policy paper describing how EPA will assess pesticide risks not governed by the FFDCA
- Reflects EPA's renewed commitment to environmental justice

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

Primary purposes of the policy are to:

- Strengthen and improve consistency in the risk assessment process for all pesticide exposures (by consistently applying the risk assessment techniques developed in FQPA) and,
- Address environmental justice concerns and improve children's health protections for pesticides.

The policy applies to farm workers and farm children and will apply to agricultural, antimicrobial and biochemical pesticides.

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

- Consistent application of **uncertainty factors** to protect children as scientifically appropriate, where the available data are incomplete or otherwise warrant its application;
- Consider **aggregate exposures** to pesticides from multiple sources for worker and non-food use assessments;
- Consider **cumulative effects** that may occur from exposure to multiple pesticides with a common mechanism of toxicity for workers and children in agricultural fields;

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

- FIFRA risk/benefit standard is not changed under the policy
- Worker/non-food pesticide use assessments would still be regulated under FIFRA (not FFDCA)
- The proposed policy will apply consistent uncertainty factors ("UF") for farm workers, farm worker children, pregnant/nursing women in residential and occupational settings, and children in residential settings (turf exposures), dietary exposure and exposure to non-food use pesticides.

- The policy does **not** apply a default 10X to all worker/non-food use assessments. Scientific justification would have to be made to apply the 10X.

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

Historically

- 15% of pesticides retained the 10X FQPA factor, mostly for missing toxicity studies
- FQPA UF was reduced to 3X about 6% of the time

Additional UFs are unlikely for Workers/Non-food Uses if there is a complete toxicity database.

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

Under proposed policy EPA would:

- Consider aggregate exposures to pesticides from multiple sources (e.g., food, drinking water, residential, or occupational) for worker and non-food use assessments;
- Modify worker risk assessments to also consider food and drinking water exposures as appropriate (currently they only evaluate dermal and inhalation exposures);
- Aggregate children's exposures from non-food uses (e.g., turf, indoor uses) to consider all potential exposures (including drinking water, if appropriate)

Aggregation of exposures may result in a greater risk estimate for workers – primarily from the occupational exposure, not dietary or drinking water.

Revised Risk Assessment Methods

Docket epa-hq-opp-2009-0889

- 23 public comments received in the docket
- EPA hopes to implement the policy in the next 6 months to 2 years
- Policy will be phased in as pesticides go though registration review or new uses are requested.

Revised Risk Assessment Methods: Field Volatilization

- SAP met in December 2009; report due in March 2010
- Martha Harnly will report at next PREC meeting