

M e m o r a n d u m

HSM-96007

[HSM # assigned after original issuance of memo]

To: Barry Cortez, Chief
Pesticide Registration Branch

May 7, 1996

Sacramento

phone : 445-4263

From: Department of Pesticide Regulation - Michael H. Dong, Staff Toxicologist
Worker Health and Safety Branch

Subject: Further Reconsideration of Data Exemption/Waiver for Chloroneb Seed Treatment Fungicide.

This is a further reconsideration of the request from Wilbur-Ellis Company that the SB-950 health effects data requirements be waived for their two seed treatment fungicide products. The two products under review are Nu-Flow AD (EPA Reg. No. 2935-428) and Nu-Flow D (EPA Reg. No. 2935-414). To support their claim of insignificant exposure, which WH&S previously did not concur [1,2], Wilbur-Ellis recently has submitted a videotape [3] describing the closed system that they claim as typically used for seed treatment with the two subject products.

Based on the observations and considerations made by Dennis Gibbons [4], who has assisted in reviewing the videotape, WH&S still finds no evidence to support Wilbur-Ellis's claim of insignificant exposure. Dennis Gibbons is WH&S's senior industrial hygienist who previously performed the data waiver review for Wilbur-Ellis's chloroneb product Nu-Flow ND (EPA Reg. No. 2935-413). This earlier ND product has the same use pattern and directions as those specified on the labels for the two subject products Nu-Flow D and Nu-Flow AD, for which the senior industrial hygienist initiated the (present) data waiver review back in 1991 (or earlier). In addition to the concern with the closed system(s) for seed treatment, Wilbur-Ellis has yet to fulfill their earlier commitment on additional clothing protection. Previously they agreed to add to the two subject labels that workers (must) wear rubber gloves and a long-sleeved shirt when handling treated seed [5]. There is no indication in Wilbur-Ellis's recent response [3] that such clothing requirements are to be added to the two product labels any time soon.

References

1. Dong MH, 1992. *Review Memo: Data Exemption for Chloroneb as Seed Treatment Fungicide.* Worker Health and Safety Branch, California Department of Pesticide Regulation, dated 09/18.
2. Dong MH, 1994. *Review Memo: Status of Chloroneb Exemption Request.* Worker Health and Safety Branch, California Department of Pesticide Regulation, dated 11/09.
3. Wilbur-Ellis, 1996. SB950 Exemption Request: Chloroneb Nu-Flow AD, EPA Reg. No. 2935-428, Nu-Flow D, EPA Reg. No. 2935-414, Nu-Flow ND, EPA Reg. No. 2935-413, dated (04/25) and signed by Joanne C. Striebich, Registration and Labelling Specialist, Regulatory Affairs.
4. Gibbons D, 1996. *Review Memo: Review of Seed Treatment Video.* Worker Health and Safety Branch, California Department of Pesticide Regulation, dated 05/06.
5. Wilbur-Ellis Company, 1992. *The Birth Defect Prevention Act - Chloroneb Response to Denial for an Exemption Request: Wilbur-Ellis Nu-Flow AD (EPA Reg. No. 2935-428) and Wilbur-Ellis Nu-Flow D (EPA Reg. No. 2935-414),* dated (4/27) and signed by Joanne C. Pratt, Product Registration and Labeling Specialist, Regulatory Affairs.

cc John Ross, Dennis Gibbons, Karen Fletcher