



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 21 2012

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

Mr. Robert Rosenberg
National Pest Management Association
10460 North Street
Fairfax, Virginia 22030

Dear Mr. Rosenberg:

Thank you for your letter of April 13, 2012, regarding EPA's 2009 labeling initiative for pyrethroid non-agricultural outdoor products. EPA appreciates your feedback on this initiative and welcomes the opportunity to address the concerns raised by the National Pest Management Association (NPMA). The goal of the 2009 labeling initiative was to limit offsite runoff of pyrethroid non-agricultural outdoor products while ensuring the application of these products in an efficient and efficacious manner to treat the target pests. The new good stewardship, best management practices, and environmental hazards label statements are meant to clarify how outdoor pyrethroid products are intended to be used by both professional pesticide control operators (PCOs) and residential consumers in residential, commercial, institutional, and industrial areas.

In general, the Agency believes that the label language in the 2009 initiative for pyrethroids is broad enough to cover a wide range of scenarios which may be encountered by PCOs in the field. When developing language such as that in the 2009 initiative, EPA gathers input from a various sources to consider a variety of perspectives and user needs, while allowing for enough flexibility and professional judgment to address unique and individual situations when they arise. When drafting the label statements for the 2009 initiative, EPA did seek and receive input from the states through SFIREG (the State FIFRA Issues Research and Evaluation Group) and the California Department of Pesticide Regulation, and from organizations such as the Pyrethroid Working Group and other pyrethroid registrants, the Consumer Specialty Products Association, Responsible Industry for a Sound Environment, and various other stakeholder groups.

The specific comments raised in NPMA's April 13 letter are addressed below:

NMPA Question 1: *This question refers to the following environmental hazard statements (EHS). [NPMA] requests that EPA confirm the text highlighted in yellow is advisory and does not constitute mandatory, enforceable label directions:*

EHS on Liquid Concentrate consumer outdoor products (e.g., liquids mixed with water by the user for a tank sprayer or hose-end attachment)

“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that

	wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.”
EHS on Broadcast Granular consumer outdoor products (e.g., ready-to-use granular products which may be combined with fertilizers and broadcast applied with a drop or rotary spreader)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.”
EHS on Dusts consumer outdoor products (e.g., for garden or ornamental)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”
EHS on Liquid Ready-to-Use consumer outdoor products (except aerosols)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”

EPA Response: EPA agrees that the highlighted sections of the environmental hazards statements above are advisory rather than mandatory. The highlighted sentences are meant to be informative statements to direct the user, whether a PCO or homeowner, how to best apply these products to avoid environmental contamination. They are best management practices and are not written to be mandatory, enforceable statements.

NMPA Question 2: *This question refers to the label statement, “Do not water to the point of runoff.” NMPA requests that EPA confirm that if the applicator does not water to the point of runoff but the customer or another person does water the treated area subsequent to the application, the applicator has not violated the label directions.*

EPA Response: If a PCO or professional applicator is applying a product and the directions for use call for the watering-in of that product, it is the applicator’s responsibility to water-in the product per the label directions and not to the point of runoff. The application of such a product is not considered complete until the product has been watered-in per the use directions, and the PCO must not abdicate his responsibility to water-in to the customer. The customer is not responsible for the pesticide product application, including the watering-in, and is unlikely to have access to the product label.

If the customer or homeowner, subsequent to the PCO application and watering-in, waters the treated area creating runoff, the applicator would not have violated the label directions.

NMPA Question 3: *This question refers to the following label statement:*

“All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses:

- (1) Treatment to soil or vegetation around structures;
- (2) Applications to lawns, turf, and other vegetation;
- (3) Applications to building foundations, up to a maximum height of 3 feet.

Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.”

This restriction limits PCOs' ability to effectively manage or control certain overwintering pests (or "occasional invaders") such as brown marmorated stink bugs, kudzu bugs, box-elder bugs, spiders, cluster flies, multicolored Asian ladybeetles, clover mites and carpenter bees. Limiting general surface application on the outside of structures to areas less than three feet above grade or spot and crack and crevice treatment is insufficient to protect structures from the large numbers of pest insects seeking overwintering sites during autumn months. The pest management industry has relied on the selective use of timed applications of pyrethroid insecticides to the exterior of buildings to control the extremely large populations of overwintering pests observed migrating to harborage locations inside structures. Physical controls like sealing cracks and crevices coupled with targeted treatment of pest entry points via crack and crevice application is extremely labor intensive and largely ineffective...”

EPA Response: EPA feels that the label statement as-written provides a great deal of flexibility for PCOs in addressing the pest pressure to a given structure. The statement allows a 3-foot band on the structure starting from the ground up. Additionally, treatment is allowed around various points-of-entry for insects, such as windows, eaves, and doors. Lastly, by allowing spot and crack-and-crevice treatments to a building surface, the applicator can treat as needed and as appropriate in a specific situation. The intent of the labeling is to encourage a PCO to do an investigation, evaluation, and make a determination of the most appropriate treatment plan, pesticide product, and active ingredient to address unique and individual situations. The Agency feels that there are very few scenarios where it would be necessary to treat the entire side of a structure or other impervious surface in order to limit insects' points-of-entry. Targeting applications to where insects enter a home (cracks and crevices) and spot treatments for resting insects will result in less product applied, less offsite movement, and a cost savings to PCOs. If a PCO feels it is absolutely necessary to treat an entire impervious surface, other options such as non-pesticidal integrated pest management techniques and/or non-pyrethroid pesticide options may need to be investigated.

While it is true that in many “typical” suburban or rural residential areas, houses are surrounded by soil or grass that would catch runoff from an impervious vertical surface (like the side of a structure), there are many alternative scenarios where this is not the case (e.g., houses that are surrounded by sidewalks, driveways, and/or patios). When developing the 2009 initiative label language, EPA considered many scenarios, including houses in urban areas that are surrounded by concrete or paved areas. Additionally, the label statements apply to pyrethroid products used around institutional, industrial, or commercial areas that again would not typically be surrounded by soil or grass. Many individual outdoor pyrethroid products can be used in residential, institutional, industrial, *and* commercial areas, and therefore, the label must be protective of all types of application sites. As previously mentioned, perhaps one of the most important objectives of the 2009 labeling was to limit offsite runoff of pyrethroids and to encourage

applications that are well thought through and targeted to insects' points-of-entry. Those types of well evaluated and planned applications will result in less pesticide use overall.

EPA appreciates the opportunity to address NPMA's concerns and those of your PCO members. EPA recognizes that any time there are labeling changes, despite our best attempts at label clarity, there will be questions, clarifications, and unique situations that arise in the field. We are happy to receive and provide input, where appropriate, and believe that the flexibility inherent in the 2009 pyrethroid non-agricultural outdoor labeling initiative covers the scenarios NPMA has raised. Because the clarifications and interpretive guidance provided in this letter could apply to other stakeholders, the Agency plans to make this letter publicly available on our website for the 2009 pyrethroid non-agricultural outdoor product labeling initiative¹. In addition, considering that many of the pyrethroid labels containing the 2009 changes are currently making their way into the consumer market, the Agency is investigating ways to continue to reach out on a broader scale to states, PCOs, and other stakeholders to clarify these changes.

We will be glad to discuss these matters further when we meet with you and other representatives of NPMA on May 29.

Sincerely,



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Office of Pesticide Programs

cc: Richard Keigwin, Director, Pesticide Re-evaluation Division
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¹ <http://www.epa.gov/oppsrrd1/reevaluation/environmental-hazard-statement.html>