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Newsletter

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PESTICIDE NOTES

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Mosquito labeling issues are a priority – EPA has decided to get serious about tackling issues raised by confusing, and sometimes contradictory, mosquito-control language on pesticide labels. Although the agency is clearly concerned about the health risks from West Nile virus, its decision to focus on labeling issues is driven just as clearly by strident protests against spraying. Some of the EPA labels on pesticides used against mosquitoes prohibit spraying over water, which has spurred environmentalists to protest some of the West Nile-related sprayings as label violations, among other things. Anne Lindsay, director of OPP's Field and External Affairs Division, noted that "Ever since the FQPA was passed [in 1996], there have been questions raised about the things we might do that would result

in the loss of mosquito control products." Cancellation of pesticides used for public health purposes is a "big picture" issue, whereas label revisions had never been a "front page" topic until the emergence of West Nile virus, Lindsay said. Diverting the energies of OPP from a "big picture" issue is "a hard thing to do in an organization [OPP] with 900 employees. It's hard to realign your resources...When the virus broke, we tried to provide basic information, and we didn't do the best possible job. We were slow to find the right information and balance it. So, you see, simply managing our information is a challenge of major proportions. And an emergency is not the best possible time to balance a message."

The logical first step toward solving the problem of prohibitions on the aqueous application of pesticides against mosquitoes is splitting off the language on terrestrial uses, many speakers argued at a recent EPA conference on the West Nile virus and mosquito control. Typically, the prohibitions are in place because, at the rates used for agricultural purposes, the pesticides were determined to pose ecological risks. At the minuscule rates used for adulticidal or larvicidal purposes, however, the risks are far smaller, to the extent that they exist at all. Nevertheless, the prohibitions remain in the label statements, and this has been a quandary for state and federal regulators, as well as applicators. For example, after Hurricane Hugo, vast areas of North and South Carolina were flooded, and the states immediately sprayed the flood waters to prevent a mass infestation of mosquitoes. By doing so, the states may technically have violated label prohibitions, but EPA's Region 4 took a "no harm, no foul" approach to the situation.

The goal for EPA is to develop a mosquito label that is flexible, enforceable and, at the same time, so straightforward that is will never need interpretation. However, label language like that might not be possible to write, said David Stangel, a team leader in EPA's Office of Enforcement and Compliance Assurance (OECA).

Chemicals used against mosquitoes and their larvae have never been regulated as a class of pesticide. They are few in number, and most of them were developed for farm use. When their labels were amended for the addition of adulticidal or larvicidal uses, however, a rash of perplexing statements resulted. For example, several of them say, "Do not apply directly to water areas where surface water is present or to intertidal areas below the mean high water mark." The statement for Dibrom (naled), moreover, is self-contradictory: "Do not apply directly over water except when using over water for mosquito control," the Dibrom label says. It has been repeatedly argued that aerial applicators are never applying adulticides directly to water. Rather, they are applying it to an air column for the purpose of killing mosquitoes hovering over or alighting from their places of rest, which is frequently beside water. Randy Dominy, an environmental scientist from EPA's Atlanta office, said 'drift [over water] for adulticidal purposes is a tool, and people feel it should be acknowledged as a tool."

Ideas for label revisions that emerged from the conference include:

- Require all adulticides and larvicides used over water to be classified as restricted use pesticides, thus ensuring that the applicators have been trained.

- Add language explaining that applying a pesticide "over" water is not the same as applying it "directly to" water.

- Establish maximum wind speeds at which pilots would be required to adjust their spraying swaths.

- Eliminate any maximum and minimum temperatures for application, and replace them with a statement saying, "Apply when mosquitoes are active."

- Similarly, eliminate any reference to "swarming" or "emerging" because it opens the door to perceptions of label violations.

- Exclude any language saying uses are permissible over water during floods because the statement might lead to demands for state or EPA permits, which would delay spraying over potentially enormous areas.

- Beware of such hazard statements as "Aquatic organisms may be killed," because it could be interpreted in its permissive sense.

- Ask litigation attorneys to pore over any proposed label statements to find out where they might be misinterpreted.

- Provide some flexibility so that states with fewer resources are not potentially burdened by the need for additional permitting or environmental studies.

- Ensure that limitations like droplet diameters are based on "sound science" and not on "public perception."

- Do not allow labels to dictate the selection of adulticides or larvicides for mosquito control officials.

- If there are no risks to aquatic organisms, delete the statement on such risks altogether.

- Replace the phrase "Do not apply over water," which might suggest "applying *to* water," with the phrase "Do not release over water."

- Instead of saying, "May be used to treat vegetation where mosquitoes may rest," say "Treating an *area* where mosquitoes may rest."

- Do not say pesticides like resmethrin are toxic to fish if they are not toxic to fish at the rates used against mosquitoes; say that resmethrin does not pose unacceptable risks to fish at the rates registered for mosquitoes.

[P&TCN 29(19):1; P&TCN 29(19):7]

Standards for organic food – Department of Agriculture Secretary Dan Glickman has released the final standards for organically grown agricultural products. The rule lists the methods, practices, and substances that can be used in producing and handling crops, livestock, and processed products so that they can be labeled organic. It bans nearly all synthetic pesticides and fertilizers in the growing of organic food and bans the use of antibiotics and synthetic growth hormones in organic meat production. Food cannot be called organic if ionizing radiation, sewage sludge fertilizer, or genetic engineering is used in its production. The new standards will replace a patchwork of rules set by 44 different state and private

certifying agencies. They took effect on Feb. 19, and farmers and food handlers have 18 months to comply. The final organic food rule is the culmination of a decade-long process. Glickman stressed that "the organic label is a marketing tool. It is not a statement about food safety. Nor is 'organic' a value judgment about nutrition or quality." [C&EN 79(2):24]

Report on public health risks of malathion – The Human Health Services (HHS) Agency for Toxic Substances and Disease Registry (ATSDR) has issued a report, titled: "Malathion: Chemical Technical Summary for Public Health and Public Safety Professionals," which concludes that " … Levels of malathion used for wide-area treatment to protect the public from mosquito-carrying diseases are not likely to result in harmful effects in individuals who are not directly exposed during spraying." ATSDR notes that the Agency provides informational materials on request on health issues relating to exposure to hazardous or toxic substances to the Administrator of the EPA, State officials, and local officials. A chemical technical summary provides information on a specific public health issue related to real or possible exposure and is a method ATSDR uses to respond rapidly to requests for assistance and public health needs. The chemical technical summary will aid public health and public safety professionals in evaluating symptoms and conducting surveillance of human exposure to toxic materials. The chemical technical summary for malathion reviews the scientific literature describing the relationship between exposure to malathion and possible resultant health effects. ATSDR is seeking public comments on the draft within 45 days of March 23. A paper copy of the draft is available from ATSDR's Franchetta Stephens, Division of Toxicology at 888-422-8737 or 404-639-6345. An electronic copy of the report is posted at http://www.atsdr.cdc.gov/NEWS/malathion-consult_10-14.htm. [FIEN 3/23/01]

Requests to cancel 42 product registrations – EPA has announced that it has received 42 requests to voluntarily cancel certain pesticide registrations. 18 of these registrations are section 24(c) (state) registrations for states west of the Mississippi river. The remaining 24 registrations are section 3 (national) registrations and their cancellation means that the product will no longer be available for sale. Among this list are consumer, wood treatment, seed treatment and a few commercial products. The entire list and other additional information are available in the Federal Register at http://www.epa.gov/fedrgstr/EPA-PEST/2001/March/Day-28/p7286.htm .
[Reg. Info. Update, PSU]

Draft plan on access to accident data withdrawn -- Among regulations recently withdrawn by the Bush Administration is a draft plan to provide limited public access to off-site consequences of potential chemical company accidents. The draft was an attempt to overcome opposition by industry and Justice Department officials to broaden access to so-called worst-case scenarios. It is unclear when another draft will be issued.
[C&EN 79(13):27]

Amended pesticide settlement agreement filed – EPA has submitted an amended consent decree to the federal District Court in California to resolve lawsuits filed regarding scientific and regulatory decisions affecting certain pesticides. The revised agreement was reached between EPA and the Natural Resources Defense

Council (NRDC) after lengthy negotiations among EPA, NRDC, and Interveners in the case, who include representatives from the pesticide industry and the farming community. EPA Administrator Whitman directed the pesticide program to seek input from all interested parties, including the Committee to Advise on Reassessment and Transition (CARAT), on ways to optimize public involvement in FQPA implementation. Whitman announced that during this process the committee will be co-chaired by the Deputy Secretary of the U.S. Department of Agriculture and by the Deputy Administrator of EPA. The directive also requires that EPA solicit advice from its Scientific Advisory Panel (SAP) on a critical element of conducting cumulative risk assessments. Cumulative risk assessment is the evaluation of the risks of exposure to multiple pesticides which are chemically similar and share a common mechanism of toxicity.

Specifically, the revised agreement includes the following components:

- Establishes dates to conduct cumulative risk assessments for organophosphate pesticides
- Establishes dates to issue Reregistration Eligibility Decisions (REDs) or revised risk assessment for 11 specific pesticides,
- Establishes dates for certain regulatory decisions (if necessary) for 3 pesticides,
- Establishes dates to determine if certain classes of pesticides share a common mechanism of toxicity,
- Continues efforts to establish a scientifically validated screening and testing program for potential endocrine disrupting chemicals.

Under the FQPA, EPA is required to reassess 66 % of existing tolerances by August 3, 2002, to ensure they meet today's health and safety standards. The Agency reports that it is on schedule to meet this deadline. A summary detailing modifications to the consent decree follows. For further information, copies of the revised agreement and Administrator Whitman's directive to the pesticide program are available at www.epa.gov/pesticides. [OPP Update 03/29/01]

Conference for communicators of health risks from fish contaminants – A national conference for risk communicators addressing health risks from contaminated fish to hard-to-reach, at-risk populations, will take place in Chicago on May 7 and 8. Information and registration is available at www.fishrisk.com. Participants at the conference will examine, discuss, and evaluate risk communication methods designed for populations that are exposed and susceptible to contaminants in fish and are hard to reach because they may not hear, understand, or be receptive to risk information about fish contaminants. This conference is intended for anyone interested in effectively communicating risks associated with chemically-contaminated fish. The agenda targets federal, state, tribal, and local governments, community groups (including environmental and children's health advocates), health care providers, industry representatives, and academic researchers. Speakers include experienced risk communicators from academia, Native American tribes, state government, and community-based organizations. The sponsors have also planned

to combine this conference with the Annual National Forum on Contaminants in Fish (Forum). This year, in addition to providing updated guidance regarding mercury, PCBs, dioxin/furans, and arsenic, the Forum will dedicate a significant portion of the Forum agenda to discussions regarding the integration and coordination of the fish advisory and water quality standards programs. The conference is co-sponsored by the U.S. Environmental Protection Agency, the Minnesota Department of Health, and the Society for Risk Analysis. The meeting agenda, additional information, and registration is available on-line at: www.fishrisk.com or by calling Tanya Bethel, ICES, Ltd., 1-888-202- 237. [OPP Update 03/12/01]

References cited in this volume of Pesticide Notes

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- **FIEN** Food Industry Environmental Network (FIEN), 33 Falling Creek Court, Silver Spring, Maryland 20904
- **OPP Update** Update from Office of Pesticide Programs, EPA
- **P&TCN** Pesticide and Toxic Chemical News, CRC Press LLC, 1725 K St., NW, Washington, DC 20006-1401
- **Reg. Info. Update, PSU** Regulatory Information Update, Penn State University http://www.pested.psu.edu/bpage4.html