

Efforts to Update Pesticide Spray Drift Language

The Pesticide Stewardship Alliance
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Overview:

- Background – Brief history of the drift label language
- Comments on 2009 Draft Pesticide Registration (PR) Notice
- Revised label language
- Related Initiatives
- Status of the PR Notice and Next Steps

Background

- Almost any pesticide application can result in some amount of drift beyond field borders
- Most applications do not result in problematic drift, yet there is a long history of incidents from drift involving humans, non-target organisms, natural resources, property
- Broad interest by public and private sectors and general public in controlling drift
- Existing product labels contain widely varying language

Background

- 2001 – Draft PR Notice aimed to provide consistent drift language on product labels
 - Proposed generic drift labeling, plus product-specific limits on:
 - Wind speed
 - Release height
 - Droplet size
 - Little consensus; never finalized

Background

- **2006-2007 -- Pesticide Program Dialogue Committee efforts**
- Consensus:
 - EPA should standardize drift labeling using PR Notice or similar mechanism
 - Labeling should be concise, clear, and enforceable
- Wide variety of options discussed
 - “Do not allow to drift”
 - Standards for boom height, wind speed
 - Prohibit drift that “could cause adverse effects”

Background

- **2008** – Agency workgroup established to develop a PR Notice on pesticide drift labeling
 - Guidance, not mandatory label changes
 - Membership from EPA headquarters, EPA Regions 5 & 9, State Lead Agencies of MN & IN
- **2009** – PR Notice proposed “general drift statements,” for professionally applied and homeowner applied products (same intended meaning)

Proposed 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. [proposed adding this WPS text to all commercial labels]
- 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.”



Non-Commercial (Residential) Products

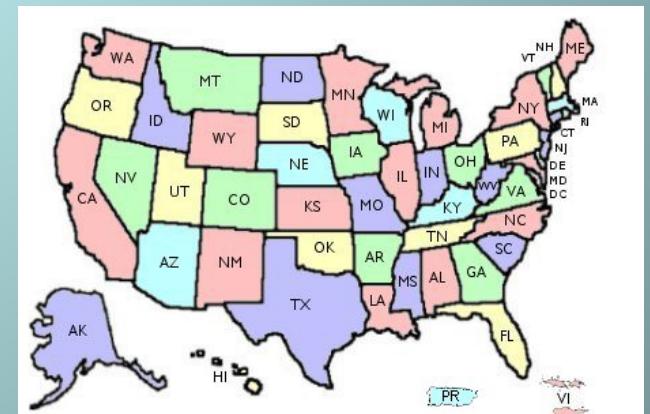
- “Do not apply this product in a way that could contact people, or that results in spray [or dust] drift that could cause harm to people, pets, property, aquatic life, wildlife, or wildlife habitat.”

Reaction to 2009 Draft PRN

- 4-month public comment period
- 34,000 comments (33,000 from write-in campaigns)
 - Most non-campaign comments opposed proposal
 - #1 comment: “could cause“ ambiguous, unenforceable, confusing, could lead to frivolous lawsuits
 - For/against “zero drift standard”
 - For/against generic buffers
 - Use FIFRA’s “unreasonable adverse effects” language

Reaction to 2009 PRN: Suggestion

- “Review current state laws and regulations”
- Workgroup found:
 - Most states have laws/regulations on drift
 - Vary, but most prohibit drift that “harms” or “could cause harm” to people/non-target sites
 - Most states support standardizing drift label language at the federal level



Revised Label Language

- EPA engaged in extensive outreach with
 - State regulatory partners, grower groups, aerial applicators, industry representatives, environmental advocacy groups
- Based on an analysis of public comments and stakeholder input, workgroup recommended changes
 - “Could cause harm” → “causes harm”
 - Harmonized “adverse effects” and “harms” language between commercial/non-commercial products statements → “harms”
 - Elaborated on examples of “harm”

Revised Label Language: General Drift 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. It is also a violation to apply this product in a manner that results in spray [or dust]drift that **harms a person** or any other non-target organism or site.”

Revised Label Language: General Drift Statements

Homeowner Products

“Do not apply this product in a way that will contact people, or that results in spray [or dust] drift that **harms** people, pets, property, aquatic life, wildlife, or wildlife habitat.”

Revised Label Language: Continued Outreach

- Met and discussed changes with a wide variety of stakeholder groups
 - PPDC
 - AAPCO
 - NASDA
 - SFIREG
 - industry stakeholders
 - environmental advocacy groups

Revised Label Language: Stakeholder Reaction

- While most correspondents agree that the language is not ideal, they also believe the revised text represents progress relative to the *status quo*
- Language is “implementable”

Status of PR Notice and Next Steps

- Revised PR Notice is in Final Agency Review
- To be followed by interagency review
- Final PRN will be announced in Federal Register
- Once issued, PR Notice will likely request that:
 - revised labeling be submitted with new applications
 - for registered products, registrants would have 18 months to amend existing registrations
 - Suggest that registrants place new language on label up to 18 months after Agency approval

Related Initiatives

- Updating the Agency's risk assessment methods
 - Account for risks from drift
 - Estimate risk reduction potential of mitigation measures
- Examining risks from long-range transport of pesticides
- Integrating consideration of drift into ongoing re-assessment activities like Registration Review

In Summary...

- Through more than 25 years of discussion, no consensus has been reached with stakeholders on the specific ways to improve how labels address drift.
- Stakeholders do agree that drift labeling needs to be improved, and that it needs to be enforceable, clear, and concise.
- We believe the revised general drift statements meet these criteria, represent an improvement in consistency and protectiveness relative to the *status quo*.

Questions?

