

US EPA ARCHIVE DOCUMENT



**US Environmental Protection Agency  
Office of Pesticide Programs**

**Record of Meeting Memorandum for  
May 12, 2009 Meeting at EPA with  
Total Release Fogger Registrants**

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## RECORD OF MEETING MEMORANDUM

Subject: May 12, 2009 Meeting at EPA with Total Release Fogger Registrants

From: Jim Roelofs, Government and International Services Branch  
Field and External Affairs Division, Office of Pesticide Programs

The meeting was requested by the Chemical Specialty Products Association (CSPA) on behalf of manufacturers of total release foggers (TRFs) who were concerned about incident reports and the March 12, 2009 petition to EPA from the New York City Department of Health and Mental Hygiene to classify TRFs for restricted use.

Representatives from 5 manufacturers, and two trade associations, CSPA and Responsible Industry for a Sound Environment (RISE), came to OPP's offices.

- Companies were: The Scotts company; S.C. Johnson; Wellmark; MGK; and United Technologies.
- A representative of New York Department of Environmental Conservation also attended along with 9 staff from EPA. Bill Diamond, director of OPP's Field and External Affairs Division chaired the meeting.

### 1. Purpose of the meeting

- Explain what EPA was considering in order to respond to NY petition;
- Hear what industry had to say about ways to address some basic questions about the safety and efficacy of TRFs.

### 2. Issues raised in petition and reports from Washington State and article in CDC's Morbidity and Mortality Weekly Report include:

- Specific safety issues: e.g., adequacy of labeling and packaging; flammable propellents.
- Doubts about efficacy and benefits to consumers.
- Overuse encouraged by large size of units and multiple units per package.

### 3. Regulatory approach and issues

- EPA would be evaluating the balance of risks and benefits for TRFs, since that is what is required to determine if restricted use classification is appropriate.
- EPA also noted of labeling and packaging that seemed problematic, for example:
  - confusing and poorly presented label directions;
  - marketing TRFs in packages of 6 or even 8 units.
  - NYC petition questioned efficacy, especially for multiunit housing.

#### 4. Discussion of issues.

- There was a general discussion about efficacy testing. The representative of S C Johnson Company described their testing procedure as quite realistic simulation of actual conditions.
- There was general agreement among the industry representatives that developing a new efficacy test protocol would be a very lengthy undertaking, and might not produce a very useful outcome.
- There was general discussion about whether non-flammable propellants could be adopted.
  - Industry noted one non-flammable propellant now in use in a few products;
  - but it is in short supply, and it is a greenhouse gas and may be regulated out of consumer products in the future.

#### 5. Label and packaging suggestions

- Prior to the meeting EPA had given CSPA a list of ideas for labeling and packaging changes to address some risk concerns, and asked for reactions.
- The industry generally supported the idea of improving clarity of labels, but stated they would respond later in writing to the specific suggestions. (CSPA and RISE did respond in a letter of June 18, 2009).

#### Conclusion of Meeting

EPA asked for industry's written response to the label and packaging suggestions, and indicated that OPP management would be briefed in the near future.