

US EPA ARCHIVE DOCUMENT



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Transcript of Meeting of  
Pesticide Program Dialogue Committee  
Conference Center - Lobby Level  
2777 Crystal Drive (One Potomac Yard South)  
Arlington, Virginia  
June 15, 2006

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ATTENDANCE LIST

Jim Jones                      Director, Office of Pesticide  
   Programs, OPPTS, Chairperson

Margie Fehrenbach              Designated Federal Officer, OPP

Rebeckah Freedman Adcock      Director, Congressional  
   Relations, American Farm Bureau  
   Federation

Dr. Jose Amador                  Director, Agricultural Research  
   & Extension Center, Texas A&M

Cindy Baker                      President, Exigent Company

Dr. Steve Balling                Director, Agricultural Services  
   Del Monte Foods

Lori A. Berger                      Ph.D., Director of Technical  
   Affairs, California Minor Crops  
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Dr. Mary Booth                      Senior Scientist, Environmental  
   Working Group

Daniel A. Botts                      Director, Environmental and Pest  
   Management Division, Florida  
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1 ATTENDANCE LIST (cont'd)

2 Allen James President, Responsible Industry  
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4 Allen Jennings Director, Office of Pest  
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8 Centers for Disease Control &  
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10 Caroline A. Kennedy Director of Special Projects,  
11 John Kepner Defenders of Wildlife  
12 Phil Klein Senior Vice President,  
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1 Migrant Clinician Network  
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9 Dr. James Roberts Associated Director of  
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11 of South Carolina  
12 Robert Rosenberg Director, Government Affairs,  
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15 Jennifer Sass Senior Scientist, Natural  
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22 Mary Ellen Setting Assistant Secretary, Office of

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1 Plant Industries & Pest  
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4 Dr. Hasmukh Shah Managing Director, American  
5 Chemistry Council  
6 Julie Spagnoli Executive Director, Regulatory  
7 Affairs, Clorox Services Company  
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9 Distributors Association  
10 Craig Thomson Iowa Program Manager, Pesticides  
11 Branch, Region VII  
12 Dr. Terry Troxell Director, Office of Plant and  
13 Dairy Foods, CFSAN, FDA  
14 Jay Vroom President & CEO,  
15 CropLife America  
16 James Wallace, Jr. Manager, North American  
17 Registration Section  
18 Carol Dansereau Farmworker Pesticide Project  
19  
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21 P R O C E E D I N G S

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1           MR. JONES: We're going to start this afternoon,  
2 as I mentioned before lunch, which is to ask the full  
3 Committee to formally consider the recommendations of the  
4 labeling work group. They made some very specific  
5 recommendations, and under the rules governing Federal  
6 Advisory Committees, such a recommendation would need to  
7 come back to the full Committee before it's made as, in  
8 this case, a PPDC recommendation to the agency. And so,  
9 that's what we're going to do right now.

10           During the go-around, Jennifer Sass had a  
11 comment, which is captured in our record -- and I  
12 certainly understood what you are saying. Are there any  
13 other comments anyone wants to make about that or someone  
14 ready to move to accept or reject the recommendations of  
15 that work group? Tom?

16           TOM: On behalf of our work group (inaudible)  
17 accept our report and also accept the recommendations  
18 that we made (inaudible).

19           MR. JONES: Any one going to second the --

20           MS. BAKER: I'll second that, Jim.

21           MR. JONES: Cindy, and then I also saw Bob  
22 Rosenberg raise his hand.

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1 UNIDENTIFIED MALE: (Inaudible).

2 UNIDENTIFIED FEMALE: (Inaudible).

3 MR. JONES: We don't have to vote. Is there  
4 anyone who wants to at all object to that or condition  
5 that?

6 (No response).

7 MR. JONES: Okay, let the record show the  
8 PPDC --

9 UNIDENTIFIED MALE: (Inaudible).

10 MR. JONES: I'm sorry? Well, you know there are  
11 consequences to behavior, exactly.

12 (Laughter).

13 MR. JONES: It took a whole two days of training  
14 on that. You'll need to know this one, Rebecca in a few  
15 months, although it will be awhile before the real  
16 consequence stuff plays in. We're accepting it.

17 (Laughter).

18 MR. JONES: Okay, so, the next work group we're  
19 going to hear from this afternoon is the Performance  
20 Measures Group. I think, Sherry, you were going to kick  
21 it off and then turn it over to some of the work group  
22 members. I'm sorry, Sherry is getting set up.

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1           Actually, just to tie it back together, those  
2 comments we were getting this morning about outcomes and  
3 the agency needing to do a better job of characterizing  
4 outcomes and not just outputs, and this effort here is  
5 what we are trying to do, how we're trying to move from  
6 being the masters of the output, which I think we are,  
7 and we are routinely reporting on them. I can go back to  
8 the office right now and tell you how many registration  
9 actions we did up to today or tolerance assessments. But  
10 where I am struggling, where we, as an office, are  
11 struggling and have struggled is to be able to report to  
12 you what have the outcomes of all of that activity been.

13           And we've invested a fair amount of time and  
14 energy in OPP to get better at that. And what we're  
15 going to talk about for the next 45 minutes is the advice  
16 coming from the PPDC work group around that work.

17           Sherry, are you ready?

18           MS. STERLING: It should be ready in just a  
19 moment. But I want to say thank you and I am here at the  
20 request of the Performance Measures Work Group. They  
21 asked me to give a presentation on what the agency has  
22 done on this, and I would just like to recognize to you

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1 all how hard your Performance Measures Work Group has  
2 worked on this issue.

3           We've given them stacks of documentation and  
4 they have struggled through it, they've struggled through  
5 our presentations and really wrestled with the  
6 information and all of the data and have given some  
7 really, very deep thought to this, and I want to  
8 recommend all of them to you as having performed  
9 wonderfully well.

10           And let's see if we're getting it and this is so  
11 PowerPoint-based. A picture is worth a thousand words in  
12 this arena, so we need to get it up there.

13           **(Brief pause in the proceedings.)**

14           MS. STERLING: Well, let me just say that for  
15 the last year, OPP has been engaged in really kind of  
16 rethinking management -- performance management and  
17 accountability. And the first place that we started with  
18 was to go to Jim Jones and say, so what's your goal for  
19 this program?

20           And you'll see from your slide that the goal is  
21 to protect public health and the environment by ensuring  
22 pesticides and alternative are safe and available for a

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1 healthy America. From that, a year ago, we took out  
2 three mission areas. We discerned three mission areas.

3 One is, protect human health. The second is --  
4 ah, your esteemed colleagues here, let me just point that  
5 out. And the next -- the next slide, please. So,  
6 protect public health, protect the environment, and the  
7 third one we called other benefits and I'm going to call  
8 it other benefits as we go through here.

9 But let just tell you why we call this other  
10 benefits. And that is because in the agency we've made a  
11 case, we know that protecting human health and protecting  
12 the environment are benefits of our program. These are  
13 benefits above and beyond those benefits. So, we think  
14 we have -- yesterday, the work group came up with a  
15 neater name for it, but for today my site still show it  
16 as other benefits. So, please bear with us as we go on  
17 to that.

18 Next slide, please. One of the things that we  
19 struggled with as a work group is just understanding the  
20 context. So, I'm going to get up and see if I can --  
21 this isn't going to stretch enough, so okay. I can cover  
22 it, yeah. You think so? Well, let me try because it's a

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1 little bit easier if I kind of show you.

2 Over here we have the strategic plan. That is  
3 currently on the Web for everybody to comment -- public  
4 comment. It's the agency's strategic plan. It's the  
5 draft plan for 2006 through 2011. It's just what any  
6 other organization would have. It's a strategic plan  
7 talking in big pictures about what we want to accomplish  
8 between now and 2011. That's important because you'll be  
9 hearing more about strategic planning measures as we go  
10 through here. The strategic plan as I've kind of  
11 indicated here is done -- generally it happens in EPA  
12 every five years.

13 In order to carry the strategic plan out, you  
14 have to go -- we do annual planning and budgeting, and  
15 that is in 2007 we have this much money and we're going  
16 do these kinds of things. Budgeting for the Federal  
17 Government is kind of interesting. I've talked to some  
18 of my friends in public industry and they're kind of like  
19 freaked out by it because at any one time we're dealing  
20 with three budgets.

21 The current budget -- I love this term -- we're  
22 executing the '06 budget. Don't you just love that term

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1 "executing the budget"? Then '07, we're out there, it's  
2 been presented. The President presented it to the  
3 Congress and everybody. And we're working on developing  
4 it and getting it nailed down for '07 next year, which  
5 starts in October, of course, for us.

6 And then we also have '08. We have to be  
7 developing what the President will show in the early part  
8 of 2008 -- of next year, 2007. So, he's presenting 2008.  
9 So, at any one time, we're working on three budgets. So,  
10 if we give you a stare and say what do you mean by  
11 budget, you might want to -- that might be part of it.  
12 It's like which budget are you talking about? Sometimes  
13 that becomes problematic. But our strategic plan says,  
14 in 2011, we'll do this. Our annual planning says, in  
15 2007, we're doing this to get to our 2011 goal.

16 In addition to that, we have an annual  
17 commitment process. So, we set our goals in that second  
18 block and this is the commitment. Okay, this is my goal  
19 for 2007 and this is what I'm going to accomplish. That  
20 part of the process heavily involves the regions and a  
21 commitment system that we have with our regions.

22 Part of what goes into that annual commitment

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1 process are what the headquarters offices do up as a --  
2 it's called the National Program Guidance. The National  
3 Program Guidance for us goes out every three years. OPP  
4 works it with OECCA (phonetic). It goes out jointly and  
5 it says, regions, this is what we want you to work with  
6 and we want the states to work with you in this way. So,  
7 it's kind of all fits together.

8           The last one is -- there are lots of different  
9 terms there, but, in fact, what that is -- that last  
10 block is just evaluation. That's ongoing all the time.

11           So, strategic plan is generally once every five  
12 years. Annual planning, obviously it's annual. Annual  
13 commitment is actually annual, obviously. And then  
14 evaluation is routine. It may be annual, it may be every  
15 18 months, it may be every three years, whatever makes  
16 sense for your program.

17           And then something that's probably an  
18 idiosyncrasy of EPA is this report on the environment.  
19 You won't see this probably in another agency, but our  
20 Office of Research and Development convenes a group of  
21 experts to come together and talk about what are the  
22 issues at hand and the big picture. You know, if you

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1 think about the 30,000 foot level. This may be from the  
2 space shuttle kind of level. You know, what are the land  
3 use changes and where do we see this going into the  
4 scientific crystal ball? Where is it going in the  
5 future?

6 That helps to inform us in doing our strategic  
7 plan. So, it's kind of the scientific future. All  
8 right, so this all works together. Some of what we're  
9 going to talk to you about today will fit in the  
10 strategic plan column. Some of what we'll talk to you  
11 about today fits into the -- more of the annual  
12 performance goals.

13 And throughout our work group, working with the  
14 work group they kind of wanted to see how this all came  
15 about. And what's the track, how does it track at any  
16 one year? And you'll see here it's kind of -- it's a  
17 multi-year process. So, it isn't quite that neat, but  
18 that's just to kind of give it a context.

19 So, now I'll sit back down and go to the next  
20 slide, please.

21 So, what we asked the work group to do, it's  
22 written up here on the board. Give us advice about not

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1 only the products that we produced, the agency produced,  
2 that is not only just the performance measures, but was  
3 our process for coming up with it correct? And to give  
4 us some ideas. You know, we don't have -- we haven't  
5 cornered -- in EPA and OPP, we haven't cornered all the  
6 ideas of the world yet. So, we're coming and asking,  
7 what other ideas do you have? So, let me go over very  
8 briefly, the measures that we did come up with.

9           Next slide, please. First, mission area is  
10 protect -- that I'm going to talk about is protect human  
11 health. Jim has named a senior executive to each of this  
12 mission area groups. It's kind of like a champion or an  
13 executive lead we call them now. They get tired of the  
14 Wheaties jokes, so we've changed the title to executive  
15 lead.

16           And for Human Health it's Debbie Edwards. So,  
17 that group that was actually -- Rich Dumas and Kathy  
18 Davis led that group. They said, we really think that  
19 there are four basic goals in protecting human health  
20 that we have and those four goals are written up here.

21           So, next slide. So, in the arena of general  
22 public, we have outlined these three goals. Now, let me

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1 give you a teeny bit of background. You're going to see  
2 maybe 15, 20 goals -- measures here. In fact, at one  
3 point, we had well over 200 measures and we've kind of  
4 weaned -- you know, kind of culled them down to what we  
5 have here today. There's a lot more behind this and the  
6 work group saw that. But this is just kind of an  
7 overview.

8 Let me also take in as another minute and give  
9 you the decoder ring for these slides. As it says here,  
10 the long blocks, like HH1, those are strategic. So, HH1  
11 and HH5 are strategic measures. They're big picture;  
12 they speak to the program at large.

13 The shorter blocks really are blocks that help  
14 us manage our program and we called those internal  
15 measures, not that we would keep them internal, but that  
16 they help us on an internal basis to figure out if our  
17 program's working or not.

18 If there's a dotted line around it, it means  
19 it's developmental. We didn't just deal with those  
20 things and those measures that we could measure today,  
21 but we dreamed about where we'd want to be in a couple of  
22 years. So, there's a dotted around those. And maybe

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1 some of them we dreamed about where we'd want to be in  
2 six months, but they're dreams of measures if you will.

3 And, of course, the number designations don't  
4 really mean anything. It was just our tracking system  
5 for keeping track of 200 or so measures.

6 I do want to point out though that if you look  
7 at the strategic plan that's on the website you'll see  
8 HH1. And right here is written -- it's a sound byte. It  
9 doesn't really give you the full flavor, but it's a sound  
10 byte. That measure is based on NHANES data, which really  
11 looks at certain chemicals in the blood from a  
12 statistically significant sample and it's a very -- it's  
13 a pretty -- for data that we have, it's fairly robust and  
14 fairly well regarded. It is a CDC, Centers for Disease  
15 Control, database that we are using. And we want to  
16 share data. The more bang per your buck for any data is  
17 a good thing.

18 Okay, we then want to go to -- the next slide  
19 shows infants and children. Now, this is a great example  
20 of a strategic measure. It didn't make it into the  
21 strategic plan, but it's incredibly important. There's  
22 no way in the world that we're not going to be looking at

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1 the PDP residue data for the 20 kids' foods. We are  
2 going to be collecting it. So, I don't -- I want to make  
3 that point because I want to make sure that you  
4 understand just because it didn't make in the strategic  
5 plan doesn't mean that we think it's not important. It's  
6 just some things are better for the strategic plan, given  
7 the goals that the agency has than others. So it was  
8 kind of a toss-up. This one is incredibly important. We  
9 have done it, we will do it, it's just not in the  
10 strategic plan.

11           So then, if you go to the worker slide, the next  
12 slide, we have two measures here that are related. One  
13 relates to support of a low-rate of -- in poisoning  
14 incidents and there's documentation about how we arrived  
15 at those baselines and those numbers, and also,  
16 cumulative reduction in moderate to severe incidents for  
17 six pesticides with high incident rate.

18           Okay, so those were -- we had a number of  
19 measures for workers. Those are the ones that we kind of  
20 really settled on in terms of the strategic plan. And  
21 you can see that there's one that we dream of for the  
22 future in talking about ag awareness.

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1           Okay, on the next slide, protect human health  
2 and public health. This is the arena where we were  
3 putting something -- measures from our antimicrobials  
4 program. And, quite frankly, we know that this is an  
5 area that we want to develop much more. We feel that  
6 there are better measures. We put this in here because  
7 we did not want to forget putting in a measure for  
8 antimicrobials. So, that's an area that we think will be  
9 growing.

10           This is, by the way, a process that kind of sort  
11 of doesn't end. If you could, you know, take that -- if  
12 we're doing a budget every single year and we're doing  
13 five-year strategic plans, this doesn't end any time  
14 soon. We just keep improving on it.

15           So, all right, the next thing we do is we go to  
16 the mission area protecting the environment. Our  
17 executive lead here, no surprise, is Steve Bradbury. And  
18 those are kind of the two goals. You know, if you're  
19 going to look at the environment, we kind of had two ways  
20 of capturing that protection, and you look at the  
21 physical elements and you look at the organisms in the  
22 environment and it's not perfect, but that's kind of the

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1 goal system there.

2           Next, please. All right. And you'll see here,  
3 we have one that made the strategic plan. And I'm  
4 focusing on the strategic plan ones because -- the  
5 strategic plan measures because we're hoping that you'll  
6 comment on the strategic plan measures. As we -- as I  
7 get further along here, you'll see how to do that.

8           This one deals with EMAP and aquatic  
9 environments. And so, that's -- we also have in here --  
10 we think water quality is important. The states -- I'll  
11 say that in this process, we worked heavily with all 10  
12 of our regions. We had a lot of states involved in this  
13 process and in terms of water -- WQ-1, 2 and 3, that's a  
14 system that was pretty much first -- the states came to  
15 us with that. And the state partners on the work group  
16 for that measure area actually came up with this idea.

17           It's a three-tiered system. The first thing is  
18 -- and the basics of it are, first, you'll look outside  
19 and see what your problems are. Second, you fix your  
20 problems. Third, you declare victory. And that's what  
21 those three levels really amount to in the end, showing  
22 progress in the arena that we want to go in.

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1           Performance measurement isn't about saying --  
2 isn't about data that you always -- it isn't about data  
3 that you submit to a scientific journal and have peer  
4 reviewed. Sometimes it's about that, but it can also be  
5 about directional data. Are we going in the right  
6 direction with our -- what we're doing and, in this case,  
7 in water quality?

8           So, if we go to the next slide, we have a  
9 measure here that is actually -- we, at first, thought it  
10 was kind of more an internal, but in the end we decided  
11 to put it into the strategic plan. And you'll see ES4  
12 there is dealing with the endangered species and it  
13 actually made it into -- you'll see it in the strategic  
14 plan if you look at it on the Web.

15           The next slide shows something -- it says new,  
16 the one that is in the strategic plan, and it's indeed  
17 new. It's new in terms of it wasn't developed through  
18 our process. After we'd gotten done with our process,  
19 the USGS came out with the National Ambient Water-Quality  
20 Assessment. In looking at the data, Jim said, you know,  
21 there's got to be something here. They talk about  
22 pesticides and watershed. Let's figure out what the

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1 story is here.

2           So, these -- the measures here, and you'll see  
3 them split up, one into ag and one into urban. Those are  
4 written up and they tell the story that comes out of the  
5 NAWQA database.

6           These are all about -- by the way, all of these  
7 measures kind of are getting at outcomes, a story that we  
8 had to tell not just outputs. Outputs are numbers,  
9 they're beings. It's, you know, so many of these and so  
10 many of that. This is going further where -- what are we  
11 doing in the environment? What's the effect in the  
12 environment?

13           So, finally, we get to our much -- our very  
14 interesting realizing other benefits. And just because  
15 of the name -- we've really struggled with that name.  
16 Lois Rossi is the executive lead for this group. And  
17 that -- the mission area developed those two broad goals  
18 for protecting -- for the realizing other benefits.

19           As we go to the next slide, you'll see that  
20 we're taking advantage of our Section 18 database. We  
21 get a lot of good information for Section 18 and -- from  
22 the Section 18s that we receive. And those, to the

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1 extent that they're precursors to Section 3 submissions,  
2 that gives us some good information to put in here about  
3 avoided crop losses due to pest management with  
4 pesticides.

5  
6 And that's the kind of really what we mean by  
7 this other benefits. And I'm not going to steal Larry's  
8 thunder about the new name, so I won't -- I'll just say  
9 for right now it's other benefits. Are the things  
10 that -- sure, we're doing this in a way that protects  
11 human health; sure, we're doing this in a way that  
12 protects the environment. But it's above and beyond  
13 that. Benefits to society, if you will.

14 The next slide shows something that is kind of  
15 developmental because we're working with different people  
16 to get the data for this. But it basically -- as you  
17 know, we register termiticides. That's a great societal  
18 value when your house hasn't fell down if you have a  
19 wooden structure. So, that's something that we wanted to  
20 capture.

21 Okay, and my last slide is, I've been telling  
22 you about the strategic plan. This is how you can make

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1 comment on it. I would direct you to Goal 4. OPP is  
2 under Goal 4. It's a pretty long, complicated document,  
3 but look for us under Goal 4, there's the web address.  
4 And the one thing that I will say is that I've learned  
5 from the work group members, they've taught me that some  
6 people are website people and some people are hard paper  
7 copy people. So, at the end of it, if you're a hard  
8 paper person and you're on the committee, I've made a few  
9 copies and I'll be happy to hand those out.

10 So, that is the OPP portion of this. And I'll  
11 turn it over to Larry who's going to speak for the work  
12 group.

13 MR. ELWORTH: I'm going to summarize for the  
14 work group. I'm certainly not going to speak for the  
15 work group.

16 (Laughter).

17 MR. ELWORTH: First of all, I'd like to thank  
18 Sherry for all the work she put into this. She had to  
19 deal with all of us.

20 Secondly, I would also like to ask the members  
21 of the work group, if you have things to add, especially  
22 things to correct, in anything I say, please feel free to

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1 jump in and offer those comments.

2           The other thing I'd like to do is say to Jim and  
3 to your staff that this is a particularly useful exercise  
4 for us to look at the level of detail of the work that  
5 you're doing, and also, be willing to share it with us  
6 when it's kind of like in an undeveloped stage. It's --  
7 as all of you know, it's much easier to comment on things  
8 that -- as they're in development in some sense and feel  
9 as if you're making some comments.

10           At the same time, this is an enormous program.  
11 It covers every part of the agency -- every part of OPP.  
12 And at times, it was really baffling both the level of  
13 detail, the amount of background documents and documents  
14 that are in development that we looked at, and also,  
15 understanding that there are at least, as Sherry pointed  
16 out, three things going on. These measures have value  
17 for the strategic plan; they're incredibly important in  
18 the budgeting process and part process with OMB; and  
19 also, they have real value for management.

20           And all of these measures are being incorporated  
21 into those programs as they're developed. So, it's not  
22 as if we have a starting and stopping point for any of

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1 these that we could comment on and then look at the final  
2 document. There's also an enormous level of detail  
3 involved in this.

4           The other thing that I'd point out of the  
5 observations that we have, we thought it was really  
6 important to look at both the risks and benefits. And  
7 this team came up a number of times, for example, the  
8 benefits from the use of antimicrobials are a good  
9 example of a benefit that's not -- it's related to an  
10 output but it's a benefit from the availability of those  
11 materials.

12           And finally, there was -- especially for some of  
13 those older folks in the room, it was real -- I think  
14 it's real important for the agency to make certain that  
15 those old output measures that people are accustomed to  
16 seeing continue to come out of the agency. Those output  
17 measures are actually the mechanisms by which the  
18 outcomes are produced. And, in fact, the credibility of  
19 those outcomes are directly related to how closely they  
20 tie into the output. Not only they're just familiar,  
21 they're really the way in which the agency operates, and  
22 in some ways, very differently from other parts that --

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1 OPD operates very different from other parts of the  
2 agency as a licensing organization.

3           So, we really want to make sure that  
4 those, even though they have their limitations, that the  
5 agency continue to rely on those and to compile them.

6           The other thing that people were concerned about  
7 a lot in reviewing the enormous amount of work that had  
8 gone into this was continually recognizing the amount of  
9 cost that there is involved in both developing these  
10 measures and also in collecting the data. And so, the  
11 work group continued to be concerned about the resources  
12 and making sure that where resources where expended in  
13 performance measures and in collecting data that there  
14 was a large return on environment -- on investment in  
15 terms of to the extent that you can look at high return  
16 for a relatively low cost investment.

17           The other thing that came up over and over again  
18 was the fact that a lot of the data, if not the majority  
19 of the data, that the agency relies upon to actually --  
20 to look at these measures is in somebody else's hand; the  
21 NHNAS data, the USGS data, PDP, all that data is in other  
22 people's hands. And it was obvious that it was really

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1 important for the agency -- for OPP to be able to  
2 coordinate with other agencies on data gathering. And  
3 also, I think it's clear that it poses some problems with  
4 the agency. Sometimes these data sets are collected for  
5 other purposes and you're having to adapt them to your  
6 own purposes.

7           The other thing about mining available data was  
8 tied to the issue of looking at the cost of data, but  
9 also, for example -- a good example of this issue of  
10 mining available data and then using it as a surrogate  
11 for outcomes is the example of the Section 18 program  
12 where that information is directly collected in the  
13 Section 18 submissions as to anticipated crop loss,  
14 economic impact for those losses. And to look for data  
15 sets like that, first of all, because it's credible  
16 information; secondly, because it reduces the overall  
17 burden for the agency in collecting it.

18           And finally, I think the other thing that we  
19 mentioned over and over again was the need to look at a  
20 strategic commitment of resources in developing this.  
21 Everybody continued to be concerned that even with  
22 pressure from OMB or the strategic plan that OPP be able

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1 to continue to do the work it needs to do and not have  
2 three people working and six people measuring. And if  
3 you want to pass those direct comments onto OMB, feel  
4 free to do so.

5 I'm going to go now briefly through some of our  
6 specific comments on the three areas. And if you have --  
7 and again, work members who have very targeted comments,  
8 please feel free to jump in.

9 People who are far more acquainted with the  
10 NHANS data set than I am were very concerned that the  
11 agency characterize the data that's going in and any  
12 measures that come out of that because of the  
13 potential -- again, because NHANES is collected for other  
14 purposes, there's a real possibility to either  
15 overestimate what's happened or underestimate what's  
16 happened.

17 The other thing that came up in our discussions  
18 over and over again, especially on human health, the  
19 primary mechanism by which the agency can reduce human  
20 health risk is in minimizing exposures. But that -- in  
21 most cases, that's the way in which the agency operates.  
22 And so, we wanted to make sure that was recognized.

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1           And, finally, a couple of people in our work  
2 group were very familiar with the Poison Control Center  
3 data and recognized that there were some limitations on  
4 that data. But in addition to the fact that it's  
5 important to look into the calls, apparently the  
6 agency -- and you guys can step in on this if you want --  
7 that OPP is doing a lot of work to actually follow up, to  
8 really clearly and substantially clarify what the real  
9 incident reporting is and the nature of it.

10           UNIDENTIFIED MALE: Larry, could I jump in here  
11 real quick.

12           MR. ELWORTH: Yeah, please do.

13           UNIDENTIFIED MALE: Just to follow up a little  
14 bit on what Larry said. We use the NHANES data as sort  
15 of an example of a database that's out there. It's very  
16 extensive. I don't know how many of you are familiar  
17 with it, but it's very comprehensive. But the intent of  
18 the NHANES database is to sort of provide a general  
19 picture of the nutritional and health status of the  
20 general public. It wasn't designed to go look for  
21 populations that happened to be exposed to pesticides.

22           So, if what the OPP was trying to do is to

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1 demonstrate that some of their programs are reducing  
2 exposure to pesticides, NHANES might not provide that  
3 data. They may be actually having that effect. But  
4 because the data are collected from the general  
5 population from around the country, we may be actually  
6 missing the fact that they have a very effective program  
7 because we're looking at the wrong population.

8           The converse of that is this is a very extensive  
9 database and it really should be looked at as with the  
10 possibility of maybe tweaking it, going to the CDC folks  
11 and maybe adding a couple of constituents to the next  
12 time that they do this survey, and it could be very  
13 helpful. But this is a good example of some of the  
14 limitations that some of these databases might have.

15           MR. ELWORTH: Anybody else from human health  
16 piece?

17           (No response).

18           MR. ELWORTH: I'll get to the environment piece  
19 now. One of the things that we were very concerned about  
20 in the group was -- well, endangered species are  
21 important and obviously the agency is spending a lot of  
22 time on endangered species and work on those assessments.

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1           It's important to look at other organisms that  
2 aren't endangered to look at the overall environmental  
3 health. Michael suggested looking at USGS breeding bird  
4 data is an example for this information on this.

5           The other thing is -- Nancy is particularly  
6 articulate on this -- looking - asking OPP develop  
7 measures for terrestrial species. Maybe this is partly  
8 an artifact of focusing on water quality in a lot of  
9 different ways. The focus on aquatic species has been  
10 pretty extensive.

11           And, Nancy, I don't know if you want to say  
12 anything more about that in particular?

13           MS. GOLDEN: I think that covers it up. I think  
14 if you just look back at the measures, they are all  
15 aquatic-based. And we did talk about the fact, one of  
16 the reasons for that is there's just a lot more data out  
17 there for that now. So, we're talking about, you know,  
18 developing measures for terrestrial ecosystems. Maybe  
19 this is the place (inaudible) now to start thinking about  
20 it and start seeing where we can mine the data and  
21 starting with things like the breeding bird survey data.

22           Michael, did you want to hold that up?

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1 DR. FRY: Yeah. I mean the breeding bird survey  
2 data, like the NHANES data, is collected for other  
3 purposes by USGS. And it's, in many ways, confounded so  
4 that a great deal of interpretation has to be done with  
5 it. But it is, by far, the best data and long-term data  
6 since 1966 on terrestrial organisms, birds in particular.  
7 So, that can be used but it certainly it has to be  
8 interpreted right.

9 MR. ELWORTH: Thanks. I'll change to other  
10 benefits or the area formally known as other benefits.

11 Everybody -- and this -- I know that this is a  
12 kind of term of art of last refuge. In the development  
13 of these, people were concerned that other benefits --  
14 using that terminology suggested that there were just  
15 some other stuff we looked at and marginalized.

16 So, given the fact that OPP is unique and  
17 deliberately licensing things that are meant to  
18 accomplish specific tasks, for lack of a better term at  
19 the moment -- but we thought it was pretty good -- value  
20 of pesticide availability. This is not a formal  
21 recommendation to OPP. It's just like a direction to go  
22 with this.

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1 UNIDENTIFIED MALE: You can use it if you'd  
2 like.

3 MR. ELWORTH: Yeah, yeah, yeah. We have  
4 copyrighted it. Just in case, just in case.

5 (Laughter).

6 MR. ELWORTH: In looking at this, our sense was  
7 that it was the least developed of the mission areas.  
8 And number one needs more measures developed, and also,  
9 on some of the stewardship activities much more -- God, I  
10 can't believe I'm going to say this -- robust measures  
11 need to be developed especially on things like the  
12 stewardship activities, perhaps on applicator training,  
13 on areas that are important to ensuring that pesticides  
14 are used safely or reduced risk practices are used, but  
15 don't necessarily show up as -- in other parts of the  
16 measures.

17 And we also wanted to encourage OPP to look for  
18 additional ideas in measures. For example, being that  
19 there's an enormous amount of scientific research and  
20 data that's been developed on areas like resistance  
21 management, which is a real important piece of using  
22 pesticides effectively, minimizing their use, retaining

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1 the effectiveness of specific registrations that are real  
2 important but we haven't really captured, and so, look  
3 maybe first of those areas where there's a lot of  
4 scientific information and a lot of people available and  
5 data already. But we'd really encourage the agency to do  
6 this.

7 Another area, for example, would be measures of  
8 IPM (phonetic) in schools where there's a lot of work  
9 that's already been done on that, a lot of it supported  
10 by the agency. But certainly it would be an indicator of  
11 deliberate activity that, of course, has human health and  
12 environment impacts but is much more of a stewardship  
13 kind of thing.

14 Okay, next step. We are in the middle of  
15 finishing our work report -- our report from our work  
16 group, and we've got some comments to incorporate and  
17 reconcile. We should be done with that soon-ish.

18 There are some other things that we identified  
19 that we thought would be important to continue to do.  
20 One is to continue to stay in touch with OPP as key  
21 issues develop in either the process -- and again, we  
22 looked at both substance and process of performance

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1 measures where an outside group of stakeholders could  
2 provide specific advice. We want to make sure that that  
3 -- that OPP was in a position to avail itself of that.

4           Secondly, we thought it was important to have  
5 stakeholder input on reviewing new measures and also  
6 looking at the measures as they become more finally  
7 incorporated specifically into the strategic plan, maybe  
8 into the other uses.

9           And, finally, we thought it would be  
10 particularly important to look at how these measures are  
11 actually used. After you use them for a while, do you  
12 see that they were like burdensome, incredibly  
13 insightful, or are there other either advantages or  
14 issues involved in them.

15           And so, I guess our work group really wants to  
16 say that those are important issues. It's really up to  
17 the PPDC how -- number one, if the PPDC wants the  
18 committee to address these, how you want to do it with  
19 the work group or have these reports made directly back  
20 to the PPDC.

21           And also, I'd like kind of just a final  
22 observation, this is a pretty -- it's not amorphous, but

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1 it's a big area to look at. We spent days -- a couple of  
2 days in full work group meetings, a meeting yesterday and  
3 several conference calls. It's not -- it's different  
4 from the deliberations of some of the other work groups.  
5 There's not kind of an immediate endpoint or an immediate  
6 regulatory decision or a set of regulatory decisions that  
7 are really directly impacted. So, we don't have any kind  
8 of time line related to regulatory decisions for this.

9           But it's really obvious that this has  
10 significant value to OPP, both in terms of articulating  
11 how it -- what comes about as a result of its work,  
12 obviously, in dealing with EPA but -- with OMB rather,  
13 but also, I think, in terms of management and helping  
14 both the agency get a handle on the work its doing, but  
15 also maybe in helping others, mostly us, understand more  
16 the -- both the impacts and the way the agency's  
17 operating.

18           So, with that, I would open it to any other  
19 comments from work group members and I don't know how --  
20 I'll turn it back over to Sherry or to Jim.

21           UNIDENTIFIED FEMALE: Just two questions. I  
22 know you guys started this process before the strategic

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1 plan for agriculture came out, but how does that fit into  
2 the strategic plan structure that you were showing us?

3 And then, just secondly, from the standpoint of  
4 the value of pesticide availability is BEAD (phonetic)  
5 going to be involved in this process?

6 MR. JONES: Yes, BEAD's definitely very actively  
7 involved in it. The strategic ag initiative is something  
8 that we've got to invest a little bit more time in in OPP  
9 to understand what the agency is articulating in that  
10 plan. It was initially started as a regional-based  
11 effort and we were somewhat on the sidelines and we've  
12 got to get ourselves on the field and figure out where we  
13 fit into that. And we'll be doing that.

14 Julie?

15 MS. SPAGNOLI: Just, you know -- and Sherry  
16 noted that in the area of public health that we kind of  
17 put something in there, but realizing that it's really  
18 something I think we need to look further into and  
19 develop. And you know, in the area on -- I guess not  
20 other benefits now, what are we calling it, pesticide --  
21 but with regard to vector-borne diseases, you know, in  
22 addition to, you know, costs associated with vector-borne

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1 diseases, I think we also need to look at that as a  
2 protecting human health measure to -- obviously, there's  
3 -- you know, there's human health aspects to that and I  
4 really would kind of look to my other colleagues in the  
5 public health area to say, you know, what can we do in  
6 this, you know, from the goal of protecting human health  
7 as it relates to public health pesticides.

8           You know, the agency has put out a list of  
9 public health pests and I think now we need to, you know,  
10 take the next step as, okay, how do we measure, you know,  
11 the control of those pests as it relates to protecting  
12 public health. So, I really am kind of looking to the  
13 rest of the public health industry to kind of work with  
14 this group to say, how can we come up with a good measure  
15 of protecting human health from disease from public  
16 health pests.

17           MR. JONES: Steve?

18           STEVE: Terry was next.

19           MR. JONES: Oh, Terry, go ahead.

20           MR. TROXELL: Thank you. Looking at these  
21 measures, of course, the OMB likes quantitative measures  
22 and specific measures and -- but looking at the public

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1 health measures, consideration that you made that each of  
2 the tools, the NHANES and maybe PDP have their pluses or  
3 minuses, some of those measures might be actually  
4 bolstered, if you maybe leave off NHANES or the PDP and  
5 include some other tools such as the longstanding  
6 Tolkell-Dye (phonetic) study that FDA has. We do  
7 hundreds of pesticides and that's gone on for I -- you  
8 know, it's gone before I was born maybe -- no, 30 years  
9 or so.

10 (Laughter).

11 MR. TROXELL: And it's another benchmark. And  
12 as you say, you know, if you can look at a variety of  
13 measures, you may be better off and get a truer sense of  
14 -- well, find out what the real truth is on where the  
15 levels are going.

16 MR. JONES: Steve?

17 STEVE: One of the things that I think the  
18 committee wanted to try to accomplish was to send a  
19 message to OMB about this as well, and in particular, in  
20 the area of value of pesticide availability, other  
21 benefits, because that is, in fact, a legally mandated  
22 requirement to license pesticides. And, in fact, you

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1 measure that by outputs and not really by outcomes.

2           The efficacy which I guess essentially, you  
3 know, is are these products adopted by growers or  
4 households or whatever, in fact, is a marketing issue and  
5 you know, you need to steer clear of those kinds of  
6 things.

7           So, one of the messages that we did want to send  
8 is you have carved out a certain amount of dollars that  
9 are intended for the registration and re-registration  
10 process, that really are better measured by outcomes than  
11 they are by -- or, excuse me, I do that all the time --  
12 by outputs instead of outcomes. And I hope you might  
13 agree with that Jim.

14           MR. JONES: You're making -- I pretty much agree  
15 with that. Although I think if you can -- if you can  
16 theoretically quantify them in an outcome, they got to  
17 correlate pretty well.

18           STEVE: What would the outcome be?

19           MR. JONES: Loss avoided, more money in your  
20 pocket, those kinds of things.

21           STEVE Good luck.

22           MR. JONES: Yeah, it's hard to do. But you --

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1 that's why I said theoretically you can measure those  
2 things.

3 STEVE: Right.

4 MR. JONES: But I would agree that it's a -- I  
5 would say it's a good corollary for the outcome.

6 STEVE: Um-hum. Remember, you don't have  
7 efficacy measures, or you don't use efficacy and that's  
8 part of -- that would have to be part of an outcome  
9 measure.

10 MR. JONES: Yeah, that's right.

11 Further on that point, this group, which I very  
12 much appreciate the work that you've done -- I'll get to  
13 you in a second, Jay -- seemed to struggle with the value  
14 added and I found there to be a lot of value added to  
15 this work group's flogging through with us the strategic  
16 measures that we were working on.

17 Sherry actually gave an example yesterday that  
18 mattered a lot to us, and I expect it mattered a lot to  
19 many of you, is that when we initially submitted our  
20 draft strategic plan to the Chief Financial Officer which  
21 is the group in EPA that manages this, they said, we're  
22 not -- you can't have measures around other benefits.

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1 And we said, well, you know, a lot of what we do has to  
2 do with delivering these to other benefits.

3 And it was that we had this group giving us  
4 advice saying, that's a big part of what you do, we don't  
5 think you've done it well enough in your strategic plan,  
6 that turns out to be very helpful to us in our discussion  
7 with OCFO about the importance of having that as part of  
8 our strategic plan.

9 And, also, having a number of people who are not  
10 in it day-to-day trying to work through the issues  
11 confirm some of the struggles we were having, there's a  
12 lot of value in that. And I think that you identified  
13 and had observations that were very consistent with many  
14 of the observations that internally we were identifying.  
15 And, again, that provides a lot of value, even though it  
16 may not feel when you're doing it as it being a value-  
17 added activity.

18 So, I personally appreciate quite a bit the  
19 efforts this group has made so far.

20 Jay?

21 MR. VROOM: Oh, I think this is a good start,  
22 but by no means does it feel to me like, number one, that

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1 we as an entire PPDC got this far enough in advance, with  
2 all due respect, to the timing of when the group -- the  
3 subgroup was able to kind of get this finalized to soak  
4 on it. But as -- there are a number of points of  
5 reference here in the earlier comments that I think are  
6 all individually, if not cumulatively, good arguments for  
7 why this group needs to continue and that entire PPDC  
8 should stay focused on this for at least a couple of more  
9 meetings.

10           And, to me, my expectation was that when we were  
11 getting to the point of having some satisfactory  
12 accomplishment at the PPDC level would be making a  
13 recommendation to you and onto more higher agency  
14 management to consider changes to the EPA strategic plan  
15 and performance measures that are much more precise and  
16 clearer than what we have in front of us right now.

17           And I agree that it's not easy to quantify or  
18 get agreement around the quantification as Steve was  
19 suggesting, but I think it's a great example of a place  
20 where greater coordination and cooperation between the  
21 agency and USDA can provide some performance measures  
22 that will benefit both organizations going forward.

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1           An example that I didn't see referenced here  
2 would be the benefit to society and the environment from  
3 reduced soil erosion and improved water quality through  
4 the use of herbicides. I don't think that's anywhere  
5 captured in the performance measures that the agency sets  
6 out and reports to OMB today. There have got to be  
7 dozens of other examples of major environmental  
8 indicators like that where that kind of data is widely  
9 available in USDA sources and can be brought together  
10 with the EPA information and all come together to make a  
11 point at OMB.

12           MR. JONES: Why don't I suggest -- oh, Jennifer,  
13 and then suggest the (inaudible).

14           MS. SASS: Well, I was going to suggest some  
15 performance measures, but if you want to go on, I mean, I  
16 can wait.

17           MR. JONES: No, go ahead.

18           MS. SASS: Just things that came to my mind  
19 because I have to admit Jay's example did not come to my  
20 mind.

21           MR. VROOM: You were in agreement with it this  
22 morning (inaudible).

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1 (Laughter).

2 MS. SASS: But the questions that I'd want to  
3 answer, and realizing that you need to also answer those  
4 OMB questions and as a PPDC we should be helping you, I  
5 want to just quickly reiterate going back to looking at  
6 the market usage trends and analyzing those, getting the  
7 data, updating that report and then analyzing those by  
8 the different categories. So, not only do -- but where  
9 the OPs hopefully have been reduced and then the  
10 carbamates and then also where other less toxic ones have  
11 come up.

12 Also looking at -- instead of looking at your  
13 registrations and tolerances by number, start to see if  
14 the number of tolerances for the more toxic, the more  
15 harmful pesticides have been reduced and the number of  
16 tolerances or registrations for their reduced  
17 alternatives has increased, to actually look at the  
18 ratio, rather than just saying, we've got -- because I  
19 looked at your reports, and you've just got more things  
20 out there. And I know that's not true. I know you've  
21 done better. You know, you have a more refined approach  
22 than that.

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1           Also, the cost of testing. You guys have  
2 done -- and EPA has done an incredible effort at moving  
3 towards reduced costs of testing to try and get data in,  
4 looking at tiered testing and going to alternative  
5 testing strategies. And I know that you're still engaged  
6 in that process. And I know you also have reduced  
7 testing burdens for the reduced risk alternatives and  
8 also a fast-track registration. There's got to be costs  
9 associated with that and reduction in costs. So, maybe  
10 ask the people that are doing those tests, which are  
11 around this table a lot of them, and hopefully there's  
12 been a significant decrease in their cost for testing.  
13 If it hasn't, we should do a better job to make sure that  
14 it has.

15           UNIDENTIFIED MALE: (Inaudible).

16           MS. SASS: Yeah, it hasn't? Don't tell OMB  
17 that.

18           UNIDENTIFIED MALE: Well, we are right now  
19 (inaudible) discussion.

20           MS. SASS: But those numbers should be there and  
21 we should all know that, and then we should work on, you  
22 know, reducing the testing burden by getting better, more

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1 adequate testing. I mean, I have ways to do that which  
2 is moving towards independent testing. But I might think  
3 those kinds of things are where your numbers are going to  
4 be, and you should take a look at those.

5           That's -- oh, water contamination trends by  
6 pesticide and by classes. And that's it right now.

7           MR. JONES: So, what I would suggest -- thanks,  
8 Jennifer.

9           The work group has got to pull together a  
10 report. They actually have a draft report, so it's not  
11 as if it's going to start typing away tonight. They've  
12 got a draft report. They got to refine it and finalize  
13 it. We've got a time need that is sooner than I think  
14 most of you prefer to have to deal with. And that is  
15 that right now the strategic plan is out for comment, and  
16 that comment period is going to close in about six weeks.  
17 It would be most useful, for you as well as us, for us to  
18 have the final report to be part of the agency's  
19 finalization of the strategic plan.

20           That doesn't mean that we should -- can or  
21 should stop working on these things. As Sherry said,  
22 this is a continuous effort. We've got -- we clearly

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1 have got to improve our measures whether they're in the  
2 current strategic plan or they're -- we're going to get  
3 better measures for the successive strategic plan.

4           So, what I would suggest is if the work group  
5 could finalize the report in relatively short order, and  
6 then we can circulate it to the full committee. And that  
7 before the agency, you know, went after the comment -- or  
8 before the comment period closes, we then would convene a  
9 conference call and see if the PPDC is willing to  
10 recommend to the agency the contents of this report.

11           So, if that -- one sort of -- from a people who  
12 are managing the -- are going to be doing this work, do  
13 you think you could finalize the report in the next week  
14 or two?

15           UNIDENTIFIED MALE: Gary's looking down.

16           (Laughter).

17           UNIDENTIFIED MALE: I don't know. In the next  
18 week or two?

19           MR. JONES: Week or two, two weeks maybe.

20           UNIDENTIFIED MALE: (Inaudible) comment  
21 (inaudible).

22           MR. JONES: Right. Yeah, we'll be able to do

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1 our end. And then we would then circulate it to  
2 everybody at this committee and give everyone a couple of  
3 weeks to look at it. We would then have a conference  
4 call basically asking, you now, is the -- does the PPDC  
5 want to recommend this report to the agency or with some  
6 caveats or additions, addendums or not. Which if the  
7 PPDC does do that, we will then be able to use that in  
8 our -- with the -- you know, in our discussions within  
9 the agency about some of the basis for why we are  
10 comfortable or not comfortable or want to change aspects  
11 of the strategic plan.

12 That being said, I do encourage all of you  
13 independently to look at the strategic plan and to  
14 independently make any comments that you want to  
15 regarding limitations or things you like about it, things  
16 you'd like to have changed about that plan. Okay?

17 UNIDENTIFIED MALE: So, do we want to -- how  
18 does the PPDC want to deal with kind of next steps then  
19 in terms -- beyond the report?

20 MR. JONES: Well, that's something I think that  
21 we should, at the agency, think about, what could we sort  
22 of get -- because I do think that we're -- we're going to

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1 go -- we're going have a fair amount of involvement in  
2 trying to refine some of those elements that do not have  
3 very solid data right now that they're -- Sherry referred  
4 to as developmental. And then we've got to start  
5 measuring against many of these. And, finally, we've got  
6 to continue to think about basic improvements.

7 But I'd like to get through sort of the agency  
8 finalizing the strategic plan before we -- we'll have  
9 this as an agenda item for our next PPDC.

10 UNIDENTIFIED MALE: Okay.

11 MR. JONES: Talking about -- the question being,  
12 so how does the PPDC want to engage on the strategic  
13 measures prospectively.

14 UNIDENTIFIED MALE: Okay, that's a good idea.  
15 And we're also very, very cognizant of the fact that work  
16 groups require fair commitments of staff time as well.  
17 So, if there -- whatever is the most efficient way to do  
18 it is fine.

19 MR. JONES: All right. Well, thank you very  
20 much. That's good.

21 Okay, our fourth work group presentation is  
22 going to be around worker safety. Kevin Keaney, the

1 Branch Chief in the Field and External Affairs Division  
2 is going to chair the session. Tee it up.

3 MR. KEANEY: I'll be presenting some overview  
4 and background leading into then presentations from the  
5 work group members on their perspectives from their  
6 various segments that they would represent, and Lori  
7 Berger, Chuck Andrews, Amy Liebman and Amy Brown will be  
8 following me with presentations regarding yesterday's  
9 work group session.

10 Just to review of the role of the workgroup,  
11 it's primarily consultation to identify issues and to  
12 highlight the issues and, in a sense, rank the issues of  
13 concern to supply support information if they can, to  
14 review the materials as we're developing them, in the  
15 coordination, providing information to their  
16 constituents, and then getting, in return, inputs and  
17 comments that we can use in the work group and in our  
18 regulatory deliberations and developments.

19 And, mainly, the burden here is for us and the  
20 work group and their segments that they represent to  
21 continue to engage with us in this iterative process as  
22 we're developing and modifying our approach to the

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1 various issues and to help by responding to the evolving  
2 regulatory options and regulatory language that we're  
3 framing out.

4           Now, just to again, to review a point of the  
5 need for regulatory change -- and this was presented to  
6 you, I think, at the last session where we -- or the  
7 session in which we agreed to form a work group. The  
8 intent in addressing these regulations, the regulations  
9 for agricultural worker protection and the regulations  
10 for the certification of applicators and then the  
11 necessary change to the labeling regulations, would be to  
12 reduce risk, to bring program and improvements and to  
13 bring program efficiencies.

14           It's essentially closing gaps in the intended  
15 protections given that the regulations -- one regulation  
16 is quite old and the other is in need of clarification  
17 and some change. Address issues that have occurred and  
18 brought to our attention since the implementation of the  
19 programs and the regulations respond to the stakeholder  
20 needs since we did have a fairly extensive year's worth  
21 of program assessment activity involving external  
22 stakeholders and our co-regulator partners in looking at

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1 these regulations and programs, and to raise to the  
2 minimum standard. Particularly in the certification  
3 area, the states have far outdistanced the federal what  
4 is -- what we would purport to be the federal minimum.

5           Good government would require us just to look at  
6 programs regularly anyway and we intend to do that and we  
7 intended to do this in a process that brings clarity and  
8 transparency to all that we're doing. So, we had a  
9 number of public meetings, we're having these meetings,  
10 and in any forum we can we're taking the opportunity to  
11 discuss the variety of changes that we're considering.

12           And then program efficiencies, we want to  
13 improve the federal standards that -- to aid states in  
14 reciprocity concerns and to bring clarity to the rules  
15 and the programs that we're implementing.

16           Now, to look at the specifics just very quickly,  
17 and this is in your material, the certification area,  
18 this particular regulation, we have a set of changes and  
19 the total set of changes involves regulations and label  
20 regulations. There's about 24 issues that we  
21 highlighted.

22           And in the material that we sent to the work

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1 group and presented to you folks earlier, there's much  
2 more detail and depth obviously in what's being proposed  
3 or considered. But this is sort of capturing the higher-  
4 level intent in expanding coverage and raising competency  
5 standards for applicators.

6           So, we are considering expanding the range of  
7 uses that will be covered and those that will be required  
8 to demonstrate competency, to better define the under  
9 supervision provision in the regulation. Because as it  
10 exists now, you can have a certified applicator and any  
11 number of people who could be under his supervision or  
12 under the person's supervision and the -- in the  
13 regulations it's a fairly vague notion of supervision  
14 described.

15           We would like to deal with dealers and also deal  
16 with the folks that are training workers and establish  
17 some sort of competency level for those who are training  
18 workers in safety areas; set a minimum age for  
19 occupational uses of pesticides that are covered by this  
20 regulation; require testing of -- or require some  
21 competency gauge, which testing may be one, for  
22 occupational users; and set specific requirements for the

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1 testing if that is the competency gauge; establish  
2 competency requirements that are consistent with the  
3 risks involved; and better define the notion of  
4 recertification and the process to ensure quality  
5 assurance in recertification programs. As it exists now,  
6 recertification gets a passing mention in the regulation  
7 and it is essentially left to the states to determine the  
8 program and the requirements for recertification.

9           In the areas of efficiency, we do want to update  
10 the plans, state plans, tribal and territorial, state  
11 plans for certification, and develop standard  
12 certification categories at the federal -- for the  
13 federal minimum, and, obviously, assure program  
14 accountability with various reporting systems and  
15 oversight and accountability measures.

16           In the Ag Worker Protection Regulation, we are  
17 responding to our own concerns and concerns of a number  
18 of stakeholders to ensure meaningful hazard communication  
19 is incorporated in the regulation and in the field  
20 programs.

21           We do want to ensure meaningful training and  
22 address training content, the grace period or the period

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1 before which a person needs to be trained and the  
2 intervals between training and address those issues.

3 We do want to require, again, in this area and  
4 as was mentioned earlier, we want to ensure that there is  
5 some degree of competency in those that are training --  
6 doing basic safety training and -- so this addresses some  
7 of the work that came out of our assessment activity in  
8 which we developed a fairly substantial training -- a  
9 training program that we and others felt might be a good  
10 avenue to take to ensure competency in those that are  
11 training.

12 Establish a training and reporting system as  
13 verification of training. Now, it's a voluntary program  
14 and it's a -- there's been a lot of focus and a lot of  
15 attention brought to our attention in this area and the  
16 need to relieve the burden on workers and employers as  
17 relative to training and have -- by having a very -- a  
18 robust verification system. And protect children from  
19 pesticide treated fields.

20 In the efficiency area, there are certain  
21 provisions in the regulation now that need clarification.  
22 There's passing reference to closed systems, respiratory

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1 protections, and so on that certainly need much more  
2 explanation and definition in the regulation and we would  
3 intend to do that.

4           There are an array of exceptions that are, in a  
5 sense, apart from the regulation. We want to incorporate  
6 those where appropriate in the regulation and be much  
7 more clear about the extent of the exceptions and  
8 variances that are in the regulation.

9           There is a proposal or there's consideration of  
10 exempting crop devices and aerial applicators from the  
11 worker protection regulation, but incorporating them much  
12 more specifically in the certification regulation.

13           There's a consideration of requiring handlers as  
14 -- under -- the labor pool under this regulation is  
15 broken into workers, field workers and handlers,  
16 pesticide handlers who mix, load and sometimes apply  
17 under supervision. And we would like to have those  
18 handlers be considered something akin to an apprentice  
19 level or lower level or a technician level on a  
20 certification regimen.

21           Handlers face a much more -- much more of a risk  
22 profile akin to applicators than field workers. So, we'd

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1 like to make that distinction and have the handlers have  
2 some competency gauge for their working in that area.

3 Always a good thing, express the regulations in  
4 plain language, and I challenge anyone to read the  
5 Agriculture Worker Protection Regulation and assert that  
6 it's in plain language. So, we'd like to try to address  
7 that.

8 And, obviously, assure program accountability by  
9 whatever measures and availability of measures we have.

10 I said that whatever goes on in changing the Ag  
11 Worker Protection Regulation or the certification  
12 regulation has to be carried out by changes in  
13 labeling -- in the labeling regulation rather. So, those  
14 with -- that's another regulation that would -- exercise  
15 that would be affected by whatever we come out with as a  
16 proposal for changes in the other two regulations.

17 Now, we had a meeting with -- the first meeting  
18 of the work group in February and requested -- we did a  
19 presentation sort of more information out, a little bit  
20 of discussion and information back in, but ran through  
21 the array of changes and a variety of options that we  
22 were considering.

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1           Asked if there were questions that they voice  
2 them there for discussion, but certainly send them to us  
3 if there was need for clarification, deal with that in  
4 that meeting in February or get the concerns to us for  
5 clarification, raise any other potential issues that they  
6 felt weren't being covered by the 24 set that we were  
7 presenting, and give us reactions to the specific  
8 proposals or the issues as we were characterizing them in  
9 the 24-bullet and, in a sense, one page fact sheets that  
10 we presented to them.

11           Give us some documentation of the pros and cons  
12 or express just concern for pros and cons in the reaction  
13 to the presentation. And identifying and issues if you  
14 think they were needed beyond what we were presenting.

15           The comments were received from the various  
16 representatives in the work group and a number of them  
17 represented the segments that were, in a sense, their  
18 constituents. The AAPSE, the American Association of  
19 Pesticide Safety Educators, had a consolidation of  
20 comments that came back with a ranking matrix. A variety  
21 of state lead agencies responded. A variety of  
22 farmworker representatives responded, growers

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1 representatives, registrants, and another advisory  
2 committee, the Office of Children's Health. Their FACA  
3 (phonetic) sent in a specific set of recommendations  
4 primarily for additional things to would be considered

5           The initial comments, you know, generally with  
6 reservation, were supporting the intent of the activity  
7 that we were involved in. And I don't know how many more  
8 qualifications you could put in a bullet line like that,  
9 but that's what it is. It's generally with reservations  
10 there was support of the intent.

11           (Laughter).

12           MR. KEANEY: Now, what that means is there was a  
13 great deal of concern about detail and definition and the  
14 prospect of where you could go from agreement with intent  
15 to here's the machinery and it's going to, you know, be a  
16 problem. There was concern about cost impacts obviously,  
17 concern about adequate time for a stakeholder input.

18           We had -- as I said, a great deal of lead into  
19 this with assessment activities and workshops, but now we  
20 are getting down to the actual -- it is going to happen.  
21 We are doing this. And how it is going to be done is the  
22 crux. If you agree with our intent to approach some of

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1 these issues, you may not end up agreeing with how we end  
2 up approaching some of these issues. So, that's the crux  
3 we're at now.

4           And there's concern about risk protection issues  
5 having priority. Now, I didn't respond to this in the  
6 work group. I mean, they all are part of the package, so  
7 it's not as if one issue is going to, you know, go  
8 forward without the other. It's a full package of  
9 regulatory change we're considering.

10           So, we had some concern about prioritizing our  
11 work, as it were, and so, we were trying to bin the  
12 particular issues in a fashion and get a matrix so that  
13 we could scope the issues that are in need for more  
14 discussion or more detailed discussion.

15           And the -- for lack of any other way to approach  
16 it, we have this sort of three-bin sat here where we're  
17 working with set one of issues that might require  
18 extensive work group engagement, the work group, as a  
19 whole, engaging on these issues. Set two might be termed  
20 a set of issues that certain segments of the work group  
21 might have some concern about and, you know, would be  
22 best handling it with calls and emails and then bringing

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1 it to the whole after some of those issues were worked  
2 through. And set three were in that bin where there's --  
3 you know, there's not that much concern for, but there's  
4 certainly concern for how many play out and regulatory  
5 language, and so, it's sort of an ongoing review capacity  
6 the work group would like to play in.

7           So, we, after yesterday's session, arrived at  
8 this sort of approach to how we are going to engage in  
9 the future. And in July, we'll distribute a set of issue  
10 papers that deal with that higher concern array of  
11 issues. And we'll begin in August to allow enough time  
12 to work through the issue papers that we have on those  
13 things. We'll, in August, have conference calls on this  
14 first set.

15           In September, we'll distribute the rest, issue  
16 papers on the rest of the issues. And in the September-  
17 October period, we'll determine the degree of engagement  
18 that we'll -- we, the group, and we feel is appropriate  
19 for that next set. And some of those may float to the  
20 higher level where it's determined that the whole group  
21 should be dealing with these issues and others will fall  
22 out into -- there are certain sectors that have much more

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1 concern about these issues and others and they would deal  
2 with them and then the results would be brought to the  
3 whole afterwards. In November, we'd begin distributing  
4 some of the draft material and working on preamble  
5 language and so forth for the group to react to.

6           And throughout the whole July to December  
7 period, whatever documents, independent of issue papers  
8 and preamble language, that we think is appropriate to be  
9 distributed we'll distribute it for review and comment.  
10 For instance, if we have framed out to a productive  
11 degree the economic impact assessment or the -- anything  
12 else that we think is appropriate to have the work group  
13 see and give us a response we'll be distributing at these  
14 critical junctions when we have these things.

15           And then, of course, that the -- if we are on  
16 schedule, the '07 August date for a proposal publication  
17 and entering the formal administrator procedure's comment  
18 period. Of course, the work group and individuals in the  
19 workgroup and anyone else can come in with their specific  
20 comments during that period.

21           Now, as a variation on this schedule, this is  
22 the process schedule that we're on in a broad sense

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1 within the agency. We have had the second meeting,  
2 yesterday, of the PPDC work group. In July, we're  
3 scheduled to begin drafting some of the regulatory  
4 language, the preamble language that we were talking  
5 about distributing. We will be developing more of the  
6 economic analysis with contractor support.

7 As I said, July through December, we'll have  
8 stakeholder involvement. In November, there's the first  
9 of the meetings that we'll have to deal with preliminary  
10 option selection. It's a specific step in the regulatory  
11 development process within the agency. And December,  
12 again, if we're on schedule, there will be a final EPA  
13 review of the state of our packages, where they are then,  
14 and as a result of that, we'll have a redrafting of the  
15 proposed regulation.

16 And it's probably at that point where, just  
17 administratively, we'll begin to work internally with --  
18 that would be the point in which we will assume the  
19 engagement with the work group would be administratively  
20 stopped.

21 In February of '07, we would have a draft  
22 regulation or draft regulations to Office of Management

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1 and Budget, and then presumably, or this is the schedule  
2 anyway, in August of `07, we would have -- publish the  
3 proposed regulations for public comment.

4 That's, in a sense, what we've carved out for  
5 the activity for the work group and our engagement with  
6 the work group. And I'll give the chair -- unless there  
7 are comments and questions, I'll give the chair to --  
8 well, I won't give the chair, Bob's not going to let me  
9 give the chair.

10 UNIDENTIFIED MALE: (Inaudible).

11 MR. JONES: To clarify one thing because I think  
12 what the work group members are going to do give some  
13 feedback and --

14 MR. KEANEY: Yeah.

15 MR. JONES: -- and then we'll ask the rest of  
16 the PPDC to similarly --

17 MR. KEANEY: The work group member are giving  
18 their perspective, representing their particular  
19 segments, their perspective on the work and the  
20 engagement we've so far. Okay?

21 MR. JONES: Yeah, so just to clarify On that,  
22 Kevin just sort of summarized for you in few minutes what

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1 the work group has been asked to think about in a lot  
2 more depth, you know, just so you got a quick summary  
3 about what the work group has focused on. The work group  
4 members now -- and we try to get a representative number  
5 of people who are on the work group -- to give their  
6 feedback about so far what's transpired, and then the  
7 rest of you -- we'll open up to the rest of the PPDC.

8 So, Kevin with -- Chuck Andrews, can be our  
9 first? Okay.

10 MR. ANDREWS: Good afternoon. My name is Chuck  
11 Andrews, I am Chief of the Worker Health and Safety  
12 Branch in California Department of Pesticide Regulation.  
13 I'm also Chair of the Worker Protection Committee of the  
14 Association of American Pesticide Control Officials. And  
15 I am a member of the work group although I'm not a member  
16 of this committee here.

17 One of the things I'd like to do is briefly talk  
18 about state lead agencies. A lot of you know what we do.  
19 We regulate the use, storage and disposal of pesticides.  
20 We're the ones that implement the worker protection  
21 standard, as well as carry out the certification and  
22 training program at the state level. That's licensing of

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1 applicators, recertification. We also are involved in  
2 continuing education, outreach and training and  
3 compliance activities, such as inspections and in  
4 enforcement.

5           A lot of states have more stringent programs  
6 than what EPA has in place. And I think a lot of that  
7 information has been helpful in the assessment that's  
8 been done. There's been two assessments at the national  
9 level. One is the assessment of the work protection  
10 standard from the Office of Pesticide Programs and then  
11 also Office of Enforcement Compliance Insurance conducted  
12 a review of the program. And we were involved quite a  
13 bit in that -- both of those assessments. And we're also  
14 involved in the Certification and Training Assessment  
15 Group which is providing input on changes to the  
16 certification and training programs.

17           Next slid. At this point, we've been involved  
18 or been asked to provide consultation on the scope of the  
19 changes to the Worker Safety Regulations. And, I think,  
20 at this point, there's been really a request just to  
21 prioritize what we think we need to be involved in as far  
22 as further discussion. As Kevin mentioned, there's not a

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1 lot of detail that's been provided, so it was real  
2 difficult, I think, for us to get into discussions and  
3 provide feedback until we really see what the proposals  
4 all about.

5           We have some idea because of the input that we  
6 provided during the assessment. But I think at this  
7 point in time, it was really just to prioritize areas  
8 that we really wanted to sit down and have further  
9 discussions on on these concepts or issues.

10           We also are going to be involved in the future  
11 consultation, through this work group as well as through  
12 our association, in reviewing the issue papers and the  
13 draft regulations and all the supporting documents at the  
14 critical junctures that Kevin had laid up on the screen  
15 in his presentation.

16           My role is to coordinate with the Association of  
17 American Pesticide Control Officials, and I will be  
18 working with our organization to do that.

19           Next slid. I did want to highlight some of the  
20 areas that we considered high priority for further  
21 discussion and not really get into the details, since I  
22 have about five minutes here, to talk about where we

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1 think we need to sit down at the table and discuss the  
2 proposals and looking at some of the options.

3           For applicator certification, we felt that the  
4 issue of expand user's requirements to demonstrate  
5 competence, that could have a significant impact on our  
6 program depending on the scope of that. We also  
7 identified that there are potential other options for  
8 this. Instead of a demonstration of competence, looking  
9 at training as what's existing now for applicators in the  
10 agricultural area.

11           We also felt that better defined under the  
12 supervision, that's the supervision standard for  
13 restricted use pesticides, and we're recommending that  
14 tiered approach depending on the hazards associated with  
15 the chemical.

16           Next slide. Also for applicator certification,  
17 require -- this was actually one that was moved, require  
18 field worker trainers to be competent. Originally in the  
19 proposal, it was to require handlers and worker trainers  
20 to be competent. This could also have a significant  
21 impact. We need to look at how that would be implemented  
22 in the field, and then also looking at considering

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1 options for establishing training teaching tools as  
2 criteria in the training program to address some of that.

3           Require testing for occupational users. Again,  
4 we need to evaluate the scope of the applicators and  
5 potential risk for each group. There -- for  
6 occupational, this is one area that I know some states  
7 have training requirements for applicators or employees  
8 who are handling pesticides. This covers not just  
9 agricultural of course, it would cover pesticides that  
10 are used in restaurants, the antimicrobial pesticides  
11 used in restaurants, the pesticides that are also used in  
12 schools, janitors using pesticides would all be covered  
13 under this. We think this has, you know, merit, but,  
14 again, how it's implemented is going to be critical.

15           Next slide. For worker protection, ensuring  
16 meaningful hazard communications, we felt that there  
17 needs to be a further discussion on this. One of the  
18 things that we're interested in is looking at getting  
19 more information about the type of information field  
20 workers are interested in receiving and how to deliver  
21 that. There's been a lot of outreach and -- in this area  
22 for providing information to field workers. But, again,

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1 I think there needs to be improvement in how the  
2 information is delivered and really to identify the type  
3 of information that would be useful to field workers.

4           The next slide, require trainers to demonstrate  
5 competency. Again, I'd like to at least consider some  
6 option of establishing training and teaching tools  
7 criteria in the training program. And then, also, I  
8 think we need to take a look at comparable programs and  
9 other industries where training is required. Cal OSHA or  
10 Fed OSHA have program requirements. I think that's  
11 something that needs to be looked at for the non-  
12 pesticides.

13           Next slide. Also for worker protection, require  
14 handlers to demonstrate competency. And, again, this is  
15 similar to previous comments that we had made. You know,  
16 looking at training options and then, also, the scope of  
17 the handler activities and link that to who would be  
18 required to demonstrate competency.

19           Next slide. Just some closing remarks. I  
20 think, you know, first of all, we really appreciate the  
21 opportunity to participate in this process. I think we  
22 have a lot of information that will be helpful to your

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1 agency in crafting your rules because we've -- a lot of  
2 the states, as I mentioned, have regulations in place  
3 that have put some of these things in place for a number  
4 of years.

5 I think it's important for us to focus on  
6 program improvements that are needed and make sure that  
7 there's good documentation for the justification and  
8 basis for those changes. And then it's critical that,  
9 from our perspective, when we're looking at the  
10 regulation proposals that they can be implemented in the  
11 field with the resources that are provided to do that.  
12 And then we also look forward to reviewing the details of  
13 these proposals.

14 I think it's been -- at this point, we're really  
15 looking broad concepts and it's going to, you know, be  
16 important to take a look at the details and really see  
17 what the impacts may be. Thank you.

18 MR. JONES: Thanks, Chuck.

19 Lori, you were going to make a presentation now?

20 MS. BERGER: Right, um-hum. My name is Lori  
21 Berger and I'm with an organization, the California  
22 Specialty Crops Council, and we're a coalition of

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1 commodity groups that work together on issues pertaining  
2 to pest management environmental stewardship. And we've  
3 been a part of this group, and so, I wanted to provide  
4 some of our perspectives from agriculture, mainly  
5 specialty crop ag.

6           Next slide, please. Obviously in specialty  
7 crops, field workers are extremely important to the  
8 business we do. Worker availability is key. As you guys  
9 have heard in the news the immigrant issues and so forth.  
10 We need to do everything we can to have this workforce in  
11 the field and healthy and safe. So, we have a lot of  
12 incentives to maintain and improve our safety record, not  
13 just the field workers but the handlers and so forth.  
14 And our goal is to protect human health and minimize  
15 exposure while producing excellent produce.

16           Next slide, please. One of the things -- now, I  
17 just have four slides here, so we're halfway through  
18 already.

19           (Laughter).

20           MS. BERGER: The information that was presented  
21 as a part of this work group was quite voluminous. And  
22 there were 24 specific issues that were identified having

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1 to do with worker protection, training certification, et  
2 cetera. As Chuck said, these were very, very broad  
3 concept. And the intent of these proposed changes  
4 appears to be good. They're just rather general at this  
5 time and it's going to be the details that are critical  
6 for people at the production level, whether you're a  
7 specialty crop or major crop. That's going to be a key,  
8 you know, how are these things actually written up.

9 But there were a number of things that were of  
10 concern. And the work group, of which there are 20  
11 members -- unfortunately, we got limited initial  
12 feedback. Now, there were some broad-based coalitions  
13 like the state lead agencies, they combined their efforts  
14 into one letter. But we really only had about seven  
15 points of information that came into comment on this.

16 The stakeholder input is going to be really  
17 important. And the work group committed yesterday to  
18 provide more input in the next foreseeable time frame.  
19 But all of the stakeholder groups are going to have to  
20 reach out and get input from their membership so that we  
21 can have some meaningful discussion on these issues.

22 EPA has -- they've ranked - as Kevin said,

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1 they've put these into these bins. They've ranked them  
2 by their workload. They've ranked them by the level of  
3 discussion that was needed. It's been suggested they --  
4 we have conference calls on this, have side discussions  
5 and input, and then just general input from the  
6 workgroup. But there is a lot there and it's going to  
7 take a lot of people going through this and finding out  
8 how much these things are going to cost, how realistic  
9 are some of the proposals and so forth.

10           Next slide, please. So, just the cost of  
11 agriculture, these kind of regulations are potentially  
12 very costly either in terms of resources to growers or  
13 resources for the enforcement agencies. Certain things,  
14 such as establishment of competency -- you know, everyone  
15 wants people in the field or handlers to be competent and  
16 trained, but there's a lot of definitions and semantics  
17 that go along with these things.

18           Cost of program development staffing and  
19 maintenance, they're heavily implied in with -- in these  
20 issue briefs that we've been presented. There's a lot  
21 there to -- that would need to be incorporated to make it  
22 deliverable at the field level.

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1           As I mentioned this morning, in California,  
2 we've lost a major safety training program. And at the  
3 agency level, resources are more precious. This is a  
4 huge issue for us. And when you look at some of the  
5 things that are under discussion, the resource concerns  
6 are only going to continue. And this includes from the  
7 enforcement end as well.

8           Next slide. Okay, so basically it boils down to  
9 resources, resources, resources. EPA is developing for  
10 each one of these issues - each one of the issues,  
11 correct? Okay. They are developing an economic impact.  
12 And that's going to be very important to the discussions  
13 that we have.

14           Also, a lot of things that are proposed again  
15 might have great intent, but are they truly enforceable.

16           And then, finally, I just want to underline the  
17 fact that this is really on a very accelerated time  
18 schedule. Of course, I can't find my calendar right now.  
19 But groups such as commodity groups, organizations that I  
20 work with in California, some of the broad-based  
21 coalitions such as the Minor Crop Farmer Alliance, other  
22 ag alliances, really need to look at these pieces of

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1 information and provide input because it's on -- this is  
2 on a very, very accelerated scale. So, those are the  
3 issues and concerns that we saw thus far in some of the  
4 changes they've been developed to date.

5 MR. JONES: Thanks, Lori. Amy Liebman?

6 MS. LIEBMAN: I have a few more slides than  
7 Lori. And also, my presentation really is a general  
8 consensus of a number of stakeholders, farm worker  
9 groups, clinicians and pesticide public interest groups.  
10 So, since our February meeting, we went out with our  
11 charge from Bill and we did get input and here are some  
12 of our ideas.

13 And also sort of in the spirit of Kevin and  
14 trying to make the Worker Protection Standard simpler,  
15 I'm trying to put it in some simple terms so that you can  
16 understand the human side to it and where we're coming  
17 from.

18 So, basically I want to go over these five  
19 points looking at the Worker Protection Standard as it  
20 deals to the post-application worker, the pesticide  
21 handlers, looking at expanded coverage of the Worker  
22 Protection Standard, general procedural protections and,

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1 lastly, drift.

2           And some of my points are going to overlap  
3 because I've divided it into these categories. But I  
4 think that you'll see that there are important things  
5 that we continue to address.

6           Next slide. In the first problem we're looking  
7 at the post-application worker, we're looking at -- the  
8 training currently right now is inadequate. One short  
9 training every five years is just not going to cut it.  
10 Workers don't understand the pesticide dangers. They  
11 don't know how to protect themselves and their families.  
12 They're unaware of their rights. They don't know who to  
13 go to regarding violations. And they also simply receive  
14 a lot less training than other workers do in non-  
15 agricultural industries.

16           Next slide. So, we're asking for at least a  
17 yearly training before they begin their work, simple  
18 worker rights training, looking at training them on the  
19 short and long-term health effects. We think that's a  
20 critical sort of education point as to understanding why  
21 you should care about protecting yourself from  
22 pesticides. And expanded information on protection, how

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1 to reduce exposure on the job. And again, this is  
2 another underlying theme that the current Worker  
3 Protection Standard does not look at, but how to protect  
4 families and children from exposure.

5 We also want to get in there, as much as we can,  
6 contact information. Where do they go to for health  
7 services, where do they go to for legal help, and where  
8 is the state agency that they go to file a complaint.

9 We also are concerned about hazard communication  
10 and limited notification for workers. So, again, we  
11 would like to see better hazard communications so that  
12 they would understand at least the name of the pesticide  
13 that they're using, the health effects, both the long and  
14 short-terms, being better warned about the REIs, the  
15 restricted entry intervals.

16 And, also, right now -- we're not quite sure  
17 where it goes, but we're going to keep talking about  
18 it -- is looking at drift. Right now, we're looking at  
19 hazard communication, there's really no information for  
20 all site workers, for family members, and for community  
21 members.

22 What we're asking for again is, you know, more

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1 training, but simple pesticide information sheets that  
2 contain the name of the pesticide, what is the actual  
3 restricted entry interval for it, long and short-term  
4 health effects, when was this pesticide actually used.  
5 And we really are trying very hard to look at the  
6 information that's presented to the workers. We want it  
7 in a language that they understand, and even in a method  
8 that they understand. We're looking at a population  
9 that's doing farm work that has an incredibly low  
10 literacy level.

11           So, in many cases, pictures are more culturally  
12 appropriate to getting across some of the information  
13 about health risk and pesticide. And we'd like better  
14 detailed restricted entry interval postings.

15           We see a big problem in a lot of the early entry  
16 exceptions and we're recommending that we strictly limit  
17 them and prohibit early reentry exceptions for hand labor  
18 involving any direct contact with treated plants and  
19 services.

20           Another big problem, I mentioned it earlier,  
21 when we were looking at our training is the take-home  
22 exposure. This is still a huge route -- exposure workers

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1 who work in the field, have pesticides on their clothes,  
2 on their shoes. They get in the car. It's in their car.  
3 They come home. They hug their kids. It's on their  
4 children. It's in their homes. So, we're recommending  
5 that there is an area needed to change, wash, and store  
6 clothes, and we're really looking at sort of an  
7 industrial adjustment here. And, also, training and  
8 information looking at the training that goes out to them  
9 on ways to protect their families from pesticide  
10 exposure.

11 Another issue that we're looking at with the  
12 pesticide handlers are -- okay, the next one is on -- I'm  
13 going to move on to the pesticide handlers. All right,  
14 and really we want to look at protecting them from the  
15 most -- some of the most toxic pesticides that are out  
16 there.

17 We would really like to see what is going  
18 on - what's been going on California for 20 years and  
19 what's going on in Washington recently is a  
20 cholinesterase monitoring program. And that's just sort  
21 of -- in some ways it's a no-brainer to us because it's  
22 actually making a big impact on worker health and safety

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1 in these two states.

2           Next. Respirators, right now, the labels do not  
3 specify when they're needed. There's words like "avoid  
4 breathing spray drift." And that basically doesn't, you  
5 know, mandate that they would get a respirator with  
6 wording like that. When they do get respirators, it's  
7 not fit-tested, and unlike other industries, there's no  
8 sort of medical evaluation questionnaire that the workers  
9 are given and reviewed by a clinician. So, what we would  
10 like to see to address the respirator problem is we'd  
11 really like to see something like OSHA has.

12           A lot of suggestions we're making are already  
13 going on in places or they're being done in other  
14 agencies and we feel that if, you know, the EPA is  
15 mandated to actually protect workers, there's a lot of  
16 other entities that we can look to get some of the better  
17 standards to protect them.

18           And, also, a labeling question, labels should  
19 clearly specify when the respirators are needed.

20           UNIDENTIFIED MALE: (Inaudible).

21           UNIDENTIFIED MALE: Got all that, Amy.

22           MS. LIEBMAN: And another issue, and this is

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1 similar to the post-application worker, but we are  
2 looking at showers and changing facilitators for the  
3 handler. We would like to see a closed mix and loading  
4 system and, again, better training and information. I  
5 know I keep talking about the training, but it's going to  
6 be a huge part of preventing exposures.

7           Let's see. Oh, the Worker Protection Standard  
8 is currently very limited in its scope in terms of looks  
9 at workers, on farms, nurseries, greenhouse and forest.  
10 And we highly recommend that we also begin looking at  
11 lawn and landscape maintenance workers and folks that are  
12 working in livestock and agriculture.

13           A lot of the workforce is actually very similar.  
14 You're seeing the mobile, underserved immigrant  
15 population, you know, working in agriculture, moving over  
16 to working in landscape and construction and moving back  
17 into agriculture. So, it makes sense that they would be  
18 protected under the same standards.

19           And then, lastly, I want to mention the  
20 procedural protections. Oh, not lastly, I have more  
21 after this. But the procedural protections that we need  
22 to look at. Workers are simply afraid to file complaints

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1 and investigations are inadequate.

2 I know that there's probably a huge issue that  
3 needs to be worked on, but simple things like being able  
4 to make an anonymous complaint, timely investigation -- I  
5 mean, sometimes investigations don't take place until  
6 several weeks after a complaint has been filed -- and  
7 also looking to the state lead agency to do some better  
8 record keeping so that we can identify some repeat  
9 offenders.

10 And, lastly, this is truly lastly, I want to  
11 talk about that problem of drift again. Human exposure  
12 is something I don't -- that needs to be addressed in  
13 several areas. Worker Protection Standards is one of  
14 them. But workers both on-site -- if you're working in a  
15 particular field by a grower might be exposed to drift.  
16 But, also, there can be easily workers in another field  
17 not controlled by the grower who is spraying, and those  
18 workers need to be protected, the farmers, the people  
19 that are living in those communities and the families of  
20 farm workers that are living near where spray is taking  
21 place.

22 Recommendations that we have, labeling, we've

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1 talked about that a little bit today. Better training,  
2 buffers. And, also, I was excited to see that the drift  
3 work group talked about case studies. I think there's  
4 some good case studies in terms of drift from California.  
5 We actually have people on-site. You know, we're going  
6 to spray, are other people around; let's look at what's  
7 happening on the ground before we put the airplane in the  
8 air.

9           So, those are really -- I went through them  
10 quickly. We've, you know, submitted some talking points  
11 to Jim about this and we will continue to reach out to  
12 all sorts of our constituents from the clinician side to  
13 farmworker groups to the people working on pesticide  
14 advocacy issues to continue to provide the input for  
15 this.

16           This is a very important time. Shelley and I  
17 were talking that the next opportunity we will have to  
18 look at the Worker Protection Standard, if we go as long  
19 as we've done this time, our children will be working on  
20 it. So, thanks.

21           MR. JONES: Thanks, Amy.

22           Now, I understand, Amy Brown, you are going to

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1 give a presentation as well? Okay.

2 MS. BROWN: Chuck Andrews had asked me to share  
3 some time.

4 MR. JONES: Sure.

5 MS. BROWN: But I will be very brief. I have  
6 seven slides. And my understanding is that the EPA staff  
7 members didn't have time to make these available to the  
8 group today but that they can be made available if  
9 anybody would like our slides later.

10 So, if we can have the next slide. That's who I  
11 work for, whom I'm representing. There are three AAPSE  
12 members serving on the work group. AAPSE a sister agent  
13 or the sister association to AAPCO, which was Chuck  
14 Andrew's group. Carrie Hoffman, Carol Ramsey and myself.  
15 And we've been working together to get input back from  
16 our stakeholder groups who are basically certification  
17 personnel, so there is some lap-over with Chuck's group.  
18 But, basically, they're more in -- the people who are  
19 AAPSE members as well as AAPCO members are more likely to  
20 be directly involved in training.

21 And then the complete trainers group, which is  
22 mostly, but not all, extension pesticide safety

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1 educators. We do have people from professional  
2 associations and from private industry and from the  
3 chemical industry who are also involved in training and  
4 so forth.

5           So, we drafted a document after the first  
6 meeting and got input back. We had a meeting, actually,  
7 with interested members and the executive committee after  
8 we already collected, by email, comment back on our --  
9 from our membership on what was proposed to us at the  
10 February meeting. And we'll continue to operate like  
11 that. Carrie and Carol and I have split up the workload  
12 so that we'll be taking different subject matter back to  
13 our constituent group and getting their input as we go  
14 forward in the future.

15           But as everybody else has said or several people  
16 have said, it's very difficult at this point to provide  
17 meaningful and substantive comment because the issues  
18 haven't been flushed out well enough, which Kevin pointed  
19 out, too. So, it's hard to -- that's the reason behind  
20 the hedging, behind that support word. We support the  
21 intent -- AAPSE certainly does -- and the concept. But  
22 as I think Bob Rosenberg said yesterday in our group

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1 meeting, the devil is in the details and we'll have to  
2 work those things out.

3           As I go through the next slide of slides, I'll  
4 show you the tabular comments that AAPSE made back to  
5 EPA. And I want to make sure that I say that areas that  
6 we didn't identify as having a high level of benefit  
7 directly to environmental safety or personal safety or  
8 security might still be things that we would want to do  
9 anyway. Maybe they would increase efficiency, but we  
10 were trying to identify issues that we thought would  
11 directly increase some of those outcomes that we were  
12 talking about before. And, again, properly implementing  
13 the changes will necessarily call for more resources from  
14 somewhere.

15           So, in the next slide, this is the first set --  
16 oh, boy, you can't properly see that. But here is how  
17 the slides in the next series will go. The ones in that  
18 font that you can't see are the ones that we think need  
19 the most level of discussion.

20           (Laughter).

21           MS. BROWN: But these were -- the subject matter  
22 was covered in both Kevin's slides and in Chuck's slide.

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1           So, I'll just very briefly say that expanding  
2 the scope of the users required to demonstrate  
3 competency, better definition of under the supervision,  
4 requiring trainers to be competent, although that one has  
5 changed -- it changed -- we were informed yesterday that  
6 that had change since AAPSE put in our comments -- and  
7 required testing for all occupational users and set  
8 standard requirements for testing are the ones that we  
9 think need a lot of discussion.

10           Those are not necessarily the same ones that  
11 would have high impacts on trainers whether they're  
12 extension or other trainers, or whether they would have  
13 high impacts on state lead agencies, or necessarily the  
14 same ones that we think would have the most direct  
15 benefit to the environment and personal safety. But they  
16 are ones that we think would need the most discussion.

17           One other thing I want to point out is that I  
18 think that when we talk about the most significant  
19 programmatic impacts, a lot of those issues would be the  
20 same thing regardless of who's doing the training,  
21 whether it's extension or professional associations or  
22 industry people or whoever is doing the training. But in

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1 the case of extension, we have usually an agreement with  
2 our state and with EPA to do training in all of these  
3 areas, whereas private industry or a professional  
4 association could opt out of it. So, it might not have  
5 the same level of impact on those people.

6 The next slide is a continuation of changes  
7 proposed. The ones here that would need the most  
8 discussion are establishing a process to update the  
9 contents of recertification programs and assuring program  
10 accountability. And, again, those are not necessarily  
11 the ones that we think would have the most impact on  
12 programs or the ones that we think would have the most  
13 benefit.

14 And if we switch to the proposed WPS change, the  
15 last of these tables, the ones that needs the most  
16 discussion from our point of view would be requiring  
17 trainers to demonstrate competency, requiring handlers to  
18 demonstrate competency and assuring program  
19 accountability. And, again, let me stress that we're  
20 supporting the concepts; we just want to see how they're  
21 done.

22 And my last slide, AAPSE members on the PPDC

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1 work group will continue to solicit and compile input  
2 using this process back from our members. We're  
3 committed. We've already notified our membership that  
4 they're going to have to get us information back in a  
5 very quick turnaround time so that we can provide it back  
6 to EPA. But we're really committed to this process of  
7 trying to stay engaged and give input back on all of  
8 these because we think all of these changes are  
9 potentially, at least -- at the very least they're very  
10 important changes that we ought to be discussing --  
11 positive, negative, with all their possible implication.

12           Obviously, to do that, we need advanced  
13 distribution of the materials and I think the EPA staff  
14 are committed to providing that to us. And, again, I've  
15 said this before and I won't flog the horse any further,  
16 but there will be a need for resources from all sources.  
17 And that is not to say that EPA is the only source that  
18 we currently use or that we envision using in the future.  
19 But it has been a very important source that allows us to  
20 garner those other resources to do the rest of the  
21 programming that we do. So, that's it.

22           MR. JONES: Great. This topic is so complex.

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1 It's one of the difficulties I think we have when you go  
2 to a meeting like they had yesterday for half of the day  
3 where I think you can begin to sink your teeth into the  
4 subject matter. And even that, I think, people can find  
5 so much frustrating because there's so much to get  
6 through and there's so much to think about, to read, to  
7 understand, and it gets really hard when you try to have  
8 that discussion in 15 minutes in a setting like this.

9           So, I'd like to suggest that we try to limit our  
10 discussion here to some of the process issues. I think  
11 the best place to bring up the substantive issues is in  
12 the work group. Now, at some point, when the work group  
13 gets ready to say, you know, here's where we had  
14 consensus and here's where we don't, because that again  
15 is a fair point for people to express their individual  
16 preferences outside of the work group process. But if  
17 folks can limit this dialogue around process-related  
18 issues or clarifying issues, and if you're really finding  
19 yourself feeling like, you know what, I need to get into  
20 this, then we certainly would be willing to accommodate  
21 anyone's desire to be active in the work group itself,  
22 where you can get into a lot of dialogue discussion

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1 around the substantive -- I realize you've already got 20  
2 people. So, let's see if that will work.

3 Larry?

4 MR. ELWORTH: I just want to make sure I have  
5 something right. Is the agency moving forward on these  
6 three areas of change and planning to propose changes to  
7 regulations for all three of them on the schedule on  
8 whatever the last slide is?

9 MR. JONES: The three broad areas, right,  
10 without --

11 MR. ELWORTH: So, the plan is to propose changes  
12 to the regulations for certification, worker protection  
13 and labeling changes. Is that right?

14 MR. JONES: What's the third one, Larry?

15 MR. ELWORTH: The labeling changes.

16 MR. JONES: Yes. But what we haven't decided on  
17 is what we've -- or would propose to do.

18 MR. ELWORTH: No, I'm just trying --

19 MR. JONES: That's what we were trying to figure  
20 out.

21 MR. ELWORTH: Going back to your --

22 MR. JONES: And the schedule that Kevin

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1 presented is the schedule that we are currently planning  
2 on operating.

3 MR. ELWORTH: Okay. Well, then I do have a  
4 comment.

5 MR. JONES: Okay.

6 MR. ELWORTH: I think that -- given the time  
7 frame that's on here is excessively ambitious.

8 MR. JONES: Excessively ambitious.

9 MR. ELWORTH: Especially because we've got -- I  
10 see in here that what we're talking about is stakeholder  
11 involvement. But what we've got is very -- I don't see  
12 much opportunity for the entire PPDC to look at the work  
13 from the work group substantively. I really think we  
14 need to have that. So, I don't -- I'm not trying to --

15 MR. JONES: You would like to build in some full  
16 PPDC review of when those work groups begin to say, you  
17 know, here's where we have agreement, here's where we  
18 don't have agreement.

19 MR. ELWORTH: Yeah, yeah, yeah.

20 MR. JONES: Okay.

21 MR. ELWORTH: And I don't see all that much  
22 opportunity in this particular time line, just in terms

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1 of the time we have available. So, I'd like that for  
2 sure and certainly would encourage you to rethink coming  
3 up with first drafts of language before you have much  
4 more of that substantive involvement.

5 MR. JONES: Okay. Julie, and then Shelley?

6 MS. SPAGNOLI: I think from a process  
7 standpoint, you know, any area that we look to expand  
8 into expands the scope of stakeholders as well. And so,  
9 I think, if we're going to look to expand into animal  
10 agriculture, I think then, all of the sudden, there's a  
11 whole new group of stakeholders and not - no longer  
12 representing the animal health industry but having been  
13 in there, you know, knowing that the use of pesticide in  
14 animal agricultures is primarily in farm hygiene and is  
15 very little on animal application. So, if the concern is  
16 exposure to animal handlers, you know, are we chasing  
17 after maybe the wrong thing?

18 So, as we look to expand scope, if we're going  
19 to look to expand scope into restaurants, we've got  
20 another whole group of stakeholders out there that this  
21 could impact. And I think Lori's comment, resources,  
22 resources, resources, if it's going to have economic

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1 impacts let's say for restaurants, are they just going to  
2 discontinue the use of disinfectants and these cleaners  
3 instead? And, you know, cleaning and disinfecting are  
4 not the same thing from a public health perspective.

5 So, again I think we really need to look at who  
6 are our stakeholders.

7 MR. JONES: Okay. Shelley?

8 MS. DAVIS: I just want to make three quick  
9 points. First of all, although, in Larry's words, this  
10 is excessively ambitious, it only seems that way if you  
11 think you're starting today. The fact is that EPA has  
12 been engaged in the process of reassessing the Worker  
13 Protection Standard since, I think, 1996. And, you know,  
14 they had two separate processes. So, from my  
15 perspective, this has already gone on ten years. So, a  
16 lot has been done.

17 Second of all, I keep hearing the word  
18 "consensus." And I thought I heard yesterday at the work  
19 group meeting that we were not trying to reach consensus  
20 because as somebody said this is not a negotiated  
21 rulemaking. And I really urge you to take our advice,  
22 but not seek consensus from the PPDC because I don't

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1 think that is a fruitful way of going forward. I'd love  
2 it if we could find consensus. I doubt that we will.

3           Finally, I would say I, too, thought that when I  
4 saw 24 recommendations or issues to raise that maybe  
5 you're biting off more than you could chew. So, I would  
6 say if 24 turns out to be more than what you can actually  
7 do, find and focus on the most important. How can we  
8 most protect the workers and the handlers? And, you  
9 know, triage it from that perspective and I think that we  
10 can make meaningful changes.

11           But, you know, from the worker perspective,  
12 we've been waiting since 1992 for some of these things.  
13 And, you know, so the time is now.

14           MR. JONES: Thanks, Shelley.

15           A point of clarification, and I've not been as  
16 elaborating as I need on so of this. We're not seeking  
17 consensus, where we can find consensus, it's useful to  
18 know that. And that may be a limited set. In other  
19 cases, it's just making sure we understand where  
20 everybody's coming from and what their issues are.  
21 Thanks.

22           So far you guys are following my request very

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1 well and speaking to process issue and giving us very  
2 advice around process. Let's see if we can keep it  
3 going, Sue.

4           SUE: Well, from a process standpoint, I want to  
5 pick up on something that Julie said and expand on it.  
6 And that is, you don't have the stakeholders you need at  
7 the table. The biocides industry found that about this  
8 rule -- I found out about it two weeks ago and have been  
9 hollering at people since then because one of our  
10 biocides companies got the heads up from their ag unit.

11           And I went through the materials that have been  
12 shared, I guess, from the February meeting and it's very  
13 -- your materials appear to be very schizophrenic. In  
14 some cases, they are entirely devoted to ag workers. And  
15 then other materials talk about all occupational workers.  
16 And if, in fact, you're looking to expand into that area,  
17 there are numerous stakeholders as well as numerous  
18 issues that really have to be addressed.

19           Some of us would be starting from scratch having  
20 assumed that -- certainly, if I work in a metal working  
21 facility or in a paper mill, given the fact that I'm  
22 already trained in handling on my chemicals under OSHA,

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1 you know, I always thought that was probably good enough.  
2 And to the extent that you all may think it's not then I  
3 think -- I mean, I think we need to take a look at that.

4 So, I think that depending on the scope of this,  
5 there are lots of other stakeholders who would have to be  
6 engaged.

7 MR. JONES: Good point. Thanks. Cindy and then  
8 Jose and Melody. Cindy? Oh, you're ready, Jose? Okay,  
9 go ahead.

10 DR. AMADOR: No, I just had a comment following  
11 Chuck presentation that I think had to do with process.  
12 I think one of these things that he touched on that is  
13 very, very important is seeking input from the users  
14 themselves. I think he expressed it from the field  
15 workers on what information they deem necessary.  
16 And I don't know whether that process is in place to get  
17 it, you know, from the people that are going to need the  
18 information themselves.

19 And I think that's critical because those are  
20 the people -- well, we're trying to get the handlers and  
21 the applicators and all that, but the field worker, what  
22 information is it that they want to have and how do we go

1 by getting them, what is the process that we have to do  
2 that. I think that's critical to the whole process.

3 MR. JONES: Thanks, Jose. Okay, Cindy and  
4 Melody.

5 UNIDENTIFIED MALE: We do have a pilot process  
6 that we're involved in now, Jose, to do that relative to  
7 hazard communication, means and modes of communication  
8 with the workers. And we've engaged groups of field  
9 workers in that activity.

10 MS. BAKER: Okay, from a purely process  
11 perspective, Jim, I think that the point that -- actually  
12 that Shelley just made is really the heart issue, which  
13 is how can we most protect the workers and handlers. And  
14 I think one of the -- and it sounds like an over-  
15 simplification, but one of the ways we do that is get  
16 them to follow the label. Because a great deal of work  
17 is done by EPA in looking at what is becoming a much more  
18 robust set of data through ag handler task force data,  
19 through ag reentry data through new studies that  
20 registrants do on their products to come out with a label  
21 that has some very specific directions about what  
22 mixer/loader/applicators do, what people do after post-

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1 application.

2           And I think if the focus is getting people to  
3 understand why those things are there and follow those  
4 directions, then you really are getting at the heart of  
5 how do you most protect the worker and the handler.

6           And then a second perspective and really out of  
7 my role as a registrant as somebody who lives in a very  
8 intensive agricultural community, I mean in Yuma, we have  
9 agriculture going on year round. I've spent a year  
10 outside of my role in Gallant (phonetic) Company managing  
11 a migrant education program for our local school district  
12 where we have K-12 migrant kids in our schools. And one  
13 of the things that we implemented in the adult education  
14 program is how do you educate parents about the risks of  
15 what they do in their job every day and take that home.

16           And so, I think we need to look outside the  
17 traditional scopes of what can EPA and USDA do, what can  
18 some of our local communities do? If EPA were able to  
19 provide some documentation, some canned presentations,  
20 some things like that, school districts are very willing  
21 to put forth that information in their adult education  
22 programs.

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1 Registrants, we do absolute training for some of  
2 our products. I know other registrants do that as part  
3 of their stewardship programs. We go to Coachella and sit  
4 down with the date growers and the applicators who are  
5 using our products and say, here's what the label says,  
6 here's why it says it, here's why it's critical that you  
7 wear a respirator, you know, when you're mixing and  
8 loading this product or why you take your clothes off  
9 before you get back in your car and go home with it

10 And so, I think we can expand the scope of how  
11 we do this and really have some productive things that go  
12 on in helping educate people that the real key is follow  
13 the directions on the label because a lot of work is  
14 being done putting those things in place.

15 MR. JONES: Melody?

16 DR. KAWAMOTO: Thank you.

17 MR. JONES: You have the last word.

18 DR. KAWAMOTO: Thank you. I have two process  
19 questions, but actually one of them derives from content  
20 issue, but I'll take back the process.

21 The first one is about the time table. As you  
22 have said, this is quite a complex issue or it could be

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1 complex issues. And as all of the discussants or  
2 presenters have mentioned that there's a great need for a  
3 discussion with stakeholders. And as Shelley had said,  
4 you know, we've been doing this for a number of years and  
5 there's some kind of urgency to protect the workers. So,  
6 I was wondering how you're planning to balance the  
7 flexibility in time tables with the urgency and how much  
8 flexibility is there in the proposed schedule?

9 MR. JONES: Well, that's one of the things that  
10 we will -- obviously, we're hearing what all of you are  
11 saying and we've got to take that back and think about  
12 that internally. So, I don't think I can really answer  
13 that right now.

14 DR. KAWAMOTO: Okay.

15 MR. JONES: But that's -- we're clearly hearing  
16 that kind of -- both sides of that message. We've got to  
17 figure out what's the right balance.

18 DR. KAWAMOTO: Right. Okay, that's good.  
19 Thank you.

20 And my other issue has to do with content, but I  
21 won't discuss content here. In our first meeting of the  
22 group, I had raised the point that there are some things

1 outside of recertification and training and labels that  
2 are used to protect workers in other settings and --  
3 including the hierarchy of controls which has eliminating  
4 and reducing exposures, not just recertification in  
5 training, personal protective equipment and incident  
6 reporting and medical monitoring.

7 I did ask Kevin and Bill about this yesterday  
8 and they told me that they are looking into some of the  
9 precedence in terms of OSHA regulations and some other  
10 activities, but wasn't reported here. So, could we get a  
11 brief summary about what's going on in that area,  
12 especially if this work group is particularly going to be  
13 talking about it?

14 MR. JONES: Right. I'm assuming that that will  
15 be something that's covered in detail when you're re-  
16 convening in August, September, October.

17 UNIDENTIFIED MALE: And it was spoken to in one  
18 of the bullets in a very broad sense and clarifying some  
19 aspects of the Worker Protection regulation when there's  
20 just passing mention of respirators and not much more  
21 specific mention of respirators as the OSHA standard for  
22 fit testing and medical monitoring and so forth. So,

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1 that would be something that will be clarified and put in  
2 more detail.

3           There's reference to closed cabs, there's a  
4 reference to just engineering controls in a general sense  
5 which would be made much more specific so that they could  
6 be effectively implemented, and I think that's what  
7 Melody is alluding to.

8           DR. KAWAMOTO: Right, yes. That's exactly what  
9 I was talking about.

10           UNIDENTIFIED MALE: Yeah.

11           DR. KAWAMOTO: And I wanted to mention it just  
12 to make sure it got into the record. Thank you very  
13 much.

14           MR. JONES: Okay, Carolyn?

15           CAROLYN: I have a comment that's really outside  
16 of the scope of what everybody has been talking about so  
17 far this afternoon, but I can't resist making it. I'm  
18 wondering if there is any way in this process of talking  
19 about worker's safety to incorporate education and  
20 training and promotion of alternatives that pose less  
21 hazards to workers.

22           So, for example, the organization I work for did

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1 a demonstration project using a green manure crop to  
2 replace metam sodium fumigation of potato fields in  
3 Idaho. That poses a lot fewer hazards for a number of  
4 people and living things, but, in particular, the people  
5 who will have to work around the metam sodium. And I  
6 wonder, you know, if we really put our minds to it, how  
7 often that could be done and how much of that could be  
8 done to really increase the protections for workers.

9 MR. JONES: That's a good point. One of the  
10 things that I think often gets confused when we have  
11 discussions about the worker protection rule, the  
12 certification training rule, is the misassumption or  
13 misinterpretation that that's the only means by which we  
14 do to protect workers, and it's not. Our re-registration  
15 program has an element of it that's protecting workers,  
16 our registration program is, our voluntary programs do,  
17 our grant-making programs do as well.

18 (Brief pause.)

19 MR. JONES: So, yes, those are very good points.  
20 There are other elements of our program that are about  
21 the things you're describing, Carolyn.

22 Well, that was very -- Amy, I'm sorry. You

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1 wanted to say something.

2           AMY: I know, it's hard to see us over that.

3           MR. JONES: This is the last word.

4           AMY: Just one very quick response. Actually, a  
5 lot of the state re-certification programs, that's a good  
6 example of why we need to continue the option for re-  
7 certification, and making it local. A lot of the re-  
8 certification programs in a lot of the states already do  
9 have update sessions on alternatives to pesticides. We  
10 include that in our pesticide re-certification sessions.  
11 We are not so narrow that we focus only on the actual  
12 requirements, which we're tending to talk here about the  
13 requirements because that's what you folks need to do.  
14 But the actual broad-based educational programs that are  
15 out there are not nearly so narrow, and that is a prime  
16 example of their benefit.

17           MR. JONES: I want to thank all of the members  
18 of that work group. I know they worked very hard  
19 yesterday, and getting ready for yesterday, and  
20 particularly those members who gave presentations here  
21 this afternoon. Thanks. We have a lot to think about,  
22 and we'll be getting back to this committee with some of

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1 our thoughts, not today, but soon.

2           We're going to, in the interest of time --  
3 because I expect most of you would like to try to get out  
4 of here on time, we're not going to take a full break.  
5 So, if you need to stretch, go to the restroom, get a cup  
6 of coffee, have a muffin if there are any left, just take  
7 five and do that, and we're going to continue on with out  
8 work so that we can get out of here at a reasonable time  
9 this evening.

10           Okay, Bill Diamond is going to report on some  
11 work we're doing to enhance our incident database,  
12 something that we have committed to this group that we  
13 would give you an update on.

14           MR. DIAMOND: Thanks, Jim. The previous two  
15 sessions talked about performance measures and worker  
16 safety regulations in the work groups. This one is kind  
17 of more of an alert for something that we're going to be  
18 doing prospectively, and kind of an early warning so that  
19 you've got an opportunity to be aware of what we're  
20 trying to do, but also, we're going to be asking for some  
21 input at various times.

22           The theme that also has come up in some of the

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1 discussions has been one on the importance of data,  
2 accuracy, completeness, those types of things. This  
3 project that we're going to be trying to do a little bit  
4 more on tries to get to that -- improvements in those  
5 areas, and at least one narrow area in terms of  
6 occupational incident information.

7           In terms of the overview I'll give you over the  
8 next few minutes, you start with any project, you look at  
9 what the need is, for incident data in this case, and the  
10 efforts to improve that in the area. You try and start  
11 with some clarity of what the problem is or the goal that  
12 you're going to try to get in mind. In its simplest  
13 form, the fundamental thing that we're trying to answer  
14 here, is the basic question for the pesticide program,  
15 which is framed on the next slide pretty much this way in  
16 terms of, how many occupational pesticide incidents are  
17 there each year in the United States?

18           Since we've got some of the national world  
19 experts in this room, that's obviously a very easy  
20 question to answer, and I'll just ask if anybody's got  
21 suggestions out of those ones that I've got up there from  
22 1,300 to 10,000 to 300,000, what the correct answer to

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1 that question is.

2 UNIDENTIFIED MALE: All of the above.

3 MR. DIAMOND: All of the above. Any other  
4 questions, answers?

5 UNIDENTIFIED MALE: I don't know.

6 MR. DIAMOND: You don't know? That's another  
7 one.

8 UNIDENTIFIED FEMALE: What is the definition of  
9 incident?

10 MR. DIAMOND: Well, that's a good question.  
11 Before we do that, I'll just see if there's anybody else.  
12 I'll ask just a person at random. For instance, if Anne  
13 Lindsay, has an answer to that question.

14 (Laughter).

15 MS. LINDSAY: Whatever the experts on this  
16 committee say.

17 (Laughter).

18 MR. DIAMOND: Absolutely correct. The answers  
19 that we've heard try to define what the problem is, and  
20 it's interesting. I mean, we put up the question here,  
21 if we go over to the next slide, is that it depends.  
22 We've got it. All of those numbers that we've got up

1 there are from various documents, databases, or  
2 citations. And these aren't obviously the only numbers  
3 that people use when they're talking about worker  
4 incidents in this case, and we obviously had that larger  
5 problem over all.

6           So, you've got things like the 1,300 number  
7 that we've got up there is the number that comes from the  
8 Poison Control Center data in terms of confirmed cases  
9 that they validated through the phone calls through the  
10 Poison Control Center System. I've put up there that  
11 it's handlers and agricultural workers.

12           Some of the other numbers up there, we've got  
13 from the center database. Other ones are from our  
14 regulatory impact analysis that we did on the initial  
15 Worker Protection Rule. And all of these have different  
16 value and merits and credibility and limitations. And I  
17 think therein lies a problem or the problem that we're  
18 trying to talk about here, is that particularly in a  
19 program where you are driven by sound data or the need  
20 for accurate data, this type of confusion is very  
21 problematic. It's very problematic in terms of program  
22 management; it's very problematic in terms risk and

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1 public communication; and it's very problematic in terms  
2 of latest emphasis we've got in terms of performance  
3 success and accountability there.

4           To manage the program effectively, to  
5 communicate effectively, we collectively should be able  
6 to answer this question without having two or three  
7 orders of magnitude difference in terms of what the  
8 answer is.

9           If you move to the next slide, when we looked  
10 behind this sort of stuff -- because a lot of this has  
11 been driven by our work in terms of strategic planning.  
12 So, we've been looking at some of databases a little bit  
13 more closely here. You end up with the usual suspects of  
14 why you have those differences there.

15           You basically have multiple data sources. You  
16 have no single comprehensive database, no silver bullet  
17 or program really that aggregates the pesticide health  
18 incident information much less just the occupational on  
19 ones there.

20           The databases that you do have, have enormous  
21 variability in terms of different factors that they've  
22 got. Some of the variables and the factors you've got in

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1 terms of the contents of the database, the original  
2 purposes, they were designed for different purposes.  
3 They were, you know, not stovepipe, but in response to  
4 individual things, and not collectively in terms of a  
5 massive or master picture of the program.

6           A number of them lack details. Some of them are  
7 just looking for numbers, but details in terms of the  
8 exposure cause, trends, locality, those types of things  
9 and not within the databases, so you can't pull those  
10 out.

11           Julie hit on another one that's critically  
12 important there in terms of what heck do you mean by an  
13 incident. We look at these different databases, either  
14 the history or the current expectation explanation is  
15 they're all over the board. Some of them are just the  
16 perception of a concern for exposure. Somebody calls up  
17 a hot line and says, I've got this issue, I think I might  
18 have been... At some level, that's an important piece of  
19 information.

20           The other thing, it's only one slice of the pie.  
21 Same with some of these other ones where you've got some  
22 real exposure, maybe no symptoms, exposure with health

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1 impacts, but there's variable health impacts, how much  
2 weight do you give those different things. And then you  
3 get down to some of the databases with some of the lower  
4 numbers where you've got confirmed health effects  
5 reported related to a particular pesticide or pesticide  
6 incident, and then you've got to further cut in terms of  
7 ones that actually get into reporting systems there.

8 To try and get better data for all the purposes  
9 that we've been talking about earlier and some of the  
10 ones I've been hitting on, then you've got to work on  
11 these underlying causes and problems here. And there's a  
12 couple of other reasons as well if you go to next slide.

13 Some of them -- I won't go through all of these,  
14 but some of the variability is what's being counted.  
15 We've got different definitions and we know what they  
16 mean and the different potential for exposures there.  
17 But a lot of these databases were not designed for our  
18 particular purposes. We're piggybacking on them. We're  
19 trying to pull things out of them. So, the fact that  
20 they've got no clarity amongst these types of things,  
21 they'll sometimes mix and match different things is  
22 important in terms of the comparability or the usability

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1 of those databases.

2           There's the issue in terms of under-reporting,  
3 and there's under-reporting for a number of different  
4 reasons. Obviously, there's no universal mandatory duty  
5 to report. That's a problem if you're trying to get hard  
6 data. Common symptoms may mask it. You can get rashes  
7 from a number of different causes, not necessarily just a  
8 pesticide exposure. The capacity to report incidents in  
9 terms of knowing where to call, accessibility to some of  
10 those types of things. Language access also have  
11 problems. And as we've discussed repeatedly for all of  
12 our issues, inadequate resources, getting data, managing  
13 data, analyzing data, and maintaining data is very  
14 expensive.

15           And it also goes to the issue that I had above  
16 on one of those bullets of -- if we've got under-  
17 reporting, then can't we extrapolate from that in terms  
18 of the data that we do know to what we might want to know  
19 to be able to make informed decisions. And there's no  
20 standard methodology for that. So, you've got to work on  
21 that as well if you want to come up with some better  
22 credible information.

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1           Let's go to the next slide in terms of if it's  
2 expensive and it's hard to do, then you've got to have a  
3 good justification for the importance of spending time  
4 and money on these types of things. We obviously think  
5 there is. It's critical to a number of our parts of the  
6 program. If you don't have the data, then you can't  
7 carry out one of our core responsibilities. And that's  
8 that occupational users are one of the most highly  
9 exposed and then therefore potentially at risk universes,  
10 and that's a fairly core principle in terms of protection  
11 there, of having good data to make those decisions.

12           There's also -- just on the fundamental things,  
13 this will be a theme over the next couple of slides is  
14 that if you can't know what the extent of the problem is  
15 in terms of problem identification, then the rest of the  
16 things in terms of setting priorities, targeting,  
17 resource allocation gets very difficult. It confuses  
18 with communication. We should be trying to deal with  
19 problems and not arguing about the extent of a problem.  
20 So, if somebody's putting out a number in terms of  
21 pesticide problems or impairments or injuries or  
22 incidents at a 300,000 per year level and somebody else

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1 is talking 1,500, that's a fairly large difference in  
2 terms of the importance and response that we ought to  
3 have there. It muddies performance accountability in  
4 terms of what you're trying to show for success, return  
5 on investments and those types of things.

6           If you go to the next slide, specifically in  
7 terms of how we use this information, the most important,  
8 in our mind, is the programmatic risk reduction. And  
9 that's most importantly in the area of risk assessments  
10 and risk management decisions, critical data driven  
11 areas.

12           On the other side, it's enhancing incident  
13 avoidance and response once it happens in the field in  
14 those circumstances, how we can better educate and  
15 target. That's critical.

16           The other secondary things, but important in  
17 terms of people understanding and therefore having  
18 effective control of their own risks and input to the  
19 program, are risk communication, nature, extent and  
20 severity of incidences is important for people to  
21 understand and therefore be comforted that they're not at  
22 risk or be concerned because there is a potential for



1 risk there.

2           Performance accountability, we've talked about.  
3 And then in terms of the compliance end of it, obviously,  
4 it should help in forming our targeting for enforcement  
5 and compliance activities as well.

6           Next slide. If you look at where we can go from  
7 here, and I said that -- we're looking at one particular  
8 project, that given the need and what we're trying to do  
9 in terms of move forward in the future, then what we're  
10 going to try and do is undertake several activities to  
11 try and make better use of the incident data, existing  
12 incident data, improve the consistency and the  
13 meaningfulness of the communication on what these  
14 incidents are, and then improve the quality of the data  
15 that would affect those first two and also maybe  
16 potentially expand the nature and the quality of the  
17 information to inform those decisions.

18           The means of it is to try and do some additional  
19 analysis of the data that exists and feed into our  
20 internal processes, to try and integrate it with the  
21 performance accountability system. I'll talk a little  
22 bit about that -- you've already heard on - in Sherry's

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1 presentation. Strengthen the incident data sources.

2           And then the last one is the last one is I'll  
3 finish up, what we're going to be asking you for some  
4 input on, is preparing a report on occupational  
5 incidents, how can we better present this information.  
6 One, as communication device, but also as a forcing  
7 mechanism so that we can see if we can work out some  
8 better consistency amongst us all in these areas.

9           The next slide in terms of the activities to  
10 date has been focused over the last year or so on the  
11 strategic plan accountability measures target activities  
12 that Sherry talked about the earlier. In developing the  
13 worker safety component of that project in terms of what  
14 we should measure and how effectively we should measure  
15 that or can measure that, we look first to what the  
16 sources were for the data. We just didn't talk -- look  
17 at the existing ones. So, we did a comparative analysis  
18 of the strengths and limitations of the occupational  
19 incident databases. And I'll talk in a minute as to the  
20 ones we looked at.

21           Out of that, we did a calculation of what we  
22 think a ballpark figure is for the national potential

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1 pesticides risk events are. I'll talk a little bit more  
2 about that in a minute. In terms of so what are we  
3 starting from and what's the baseline here.

4           And then the worker strategic goal that you saw  
5 earlier, but not quite as much detail here, is that  
6 through 2011, starting with our new strategic plan that  
7 will be adopted at the end of this year, the goal is to  
8 protect those occupationally exposed to pesticides by  
9 improving or sustaining the extremely low rate of 3.5 or  
10 less incidence per 100,000 potential risk events.

11           Now, we've distributed this in the past and I'm  
12 not sure how many of you looked that closely at it. But,  
13 basically, what it's trying to indicate is that numbers  
14 alone without context don't give you a lot of meaning.  
15 And there -- it also tries to get across a point that  
16 there is no final goal line here. You don't, like a  
17 regulation, put it out, promulgate it, the project is  
18 done.

19           Protection is a constant vigilance type of  
20 activity. And if we are going to try and recognize that  
21 there's been a lot of work going on to reduce incidents,  
22 establish a level of protection, but if you don't

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1 maintain those things or improve them around the edges,  
2 then you got the potential to increase the risks and  
3 (inaudible) almost gets you there.

4           Also, the last point there is that those  
5 activities not only gave us some ideas in terms of maybe  
6 potential path forward, but highlighted for us,  
7 particularly in the strategic accountability area, maybe  
8 the deficiencies or the limitations in the existing  
9 activities we've got right now.

10           The next slide just flushes out a little bit in  
11 terms of how you can use this data and it puts a finer  
12 point on that one I just talked about in terms of the  
13 potential risk. To know the importance in the use of the  
14 data, you've got to know how many people are at risk.  
15 You've got to know what the potential risk events are.  
16 The relative importance of incident numbers is only  
17 important in terms of the context you can get in terms of  
18 what the magnitude is. Is it very small? Is it  
19 targeted? Is there a particular area that it's important  
20 on?

21           This calculation is the underlying means of how  
22 we came up with some of the base numbers to come up with

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1 our new strategic target measure for that context to try  
2 and find out who and how many people are at risk. And  
3 these are the numbers that we've pulled from different  
4 data sources; not incident data, but it's obviously  
5 connected to your ability to do incident data.

6           You've got 1.8 million agricultural workers are  
7 the numbers that we're using. In terms of occupational  
8 uses, you've got some good numbers. Some of these we've  
9 had to extrapolate, but there's approximately a little  
10 over one million certified applicators. Certified  
11 applicators supervise other people who use restricted use  
12 pesticides. This is a projection in terms of that  
13 potential number, the four million. And then you've got  
14 approximately 2.5 million other occupational users, those  
15 not using restricted use pesticides. And we did that  
16 from looking at sensitive data in terms of workers in  
17 areas where we know pesticides are used, but there's no  
18 calculations. So, we did a percentage type of take on  
19 that.

20           And then how many risk events for those people  
21 and these are again some of the numbers that we've used  
22 in terms of for certain users. Every time that you use a

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1 restricted use pesticide, you've got a high potential for  
2 a pesticide incident. So, every time there's not an  
3 incident, that's a good thing, as a result of their  
4 education, understanding, labeling, protection and the  
5 toxicity of the pesticide itself.

6           And then you've got for the farm workers a  
7 different type of thing. Every time they're in the field  
8 does not necessarily have a pesticide potential incident,  
9 but there are some circumstances where there's exposure  
10 or use of pesticides, and we've done some calculations  
11 there.

12           What we've come up with for purposes of the  
13 strategic plan then is a number that gives us  
14 approximately 40 million potential pesticide incidents a  
15 year. The reason I'm going through this is, again, to  
16 re-sensitize all of us to the importance of the  
17 assumptions in the numbers. But if you start with that  
18 baseline and then you divide it by the number of  
19 incidents you come up with, that's how you end up with  
20 the rate that we came up with. And that's important  
21 because if that's your ultimate target, that's where  
22 you -- those numbers will lead you.

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1           If you shift now from the use of the data in  
2 terms of strategic planning today, a slide where it talks  
3 about in terms of the program management uses, the thing  
4 I just said that was the most important part in terms of  
5 the use of this information, you can look at it with a  
6 little different lens. You look at protection of those  
7 at risk is accomplished by a whole range of different  
8 activities and efforts by a number of different people.

9           For EPA, a lot of those things fall into two  
10 categories. That's reducing risk by changing the  
11 pesticide risks, the uses, and the requirements, things  
12 like use restriction, reduced use pesticides, the worker  
13 safety standard, personal protective equipment, things we  
14 do through labeling, requirements, regulations.

15           We also engage with a number of other people in  
16 terms of the front line protection efforts, the state  
17 lead agency, the extension service, education people in  
18 terms of once the pesticide is out in the field and the  
19 people are using it, how can we maximize their  
20 protection. You get things like hazard communication,  
21 incident reaction, and responses and then sound data for  
22 our use, but also communication to people as well.

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1           And each one of these different things needs  
2 different types of data. So, those different definitions  
3 I talked about earlier may have more relevance to  
4 different activities here than a bottom line outcome  
5 number that might be valuable in terms of strategic  
6 planning.

7           If you'll go to the next slide, this simple  
8 crosswalk tries to put a finer point on that issue that  
9 if you've got those four major uses of incident  
10 information, program risk reduction, risk communication,  
11 performance accountability and enforcement, if you look  
12 at the second column there, they need different types of  
13 information to be most valuable.

14           For programmatic risk reduction activities,  
15 whether it's the field activities that I talked about or  
16 the labeling types of activities, you need some real  
17 drilled down in-depth information; not just the total  
18 numbers, which is important, but what are the incident  
19 causes? Is it a misuse? Is it a misunderstanding of the  
20 label? Is it a lack of understanding by the applicator  
21 and the training that we've got to do something more on?  
22 That type of information that we can get from various

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1 different databases is the most valuable for us.

2 Risk communication practically depends who  
3 you're talking to and what you want to convey. So,  
4 there's all sorts of different things. So, some areas,  
5 just people knowing what the public concern is in terms  
6 of, have I been exposed, is very important. For other  
7 ones, in terms of, so what are we getting out of our tax  
8 dollars, it's much more what's the bottom line outcome.

9 For performance accountability, again for the  
10 public accountability, for congressional accountability,  
11 for administration accountability, for budget  
12 accountability, and the strategic outcomes we've been  
13 talking about in target, those are the most important  
14 things. That's the public face of the program. At least  
15 at that level, they don't care as much about the causes.  
16 They basically think they should be leaving that to the  
17 experts. They want results.

18 Those outcome numbers of the bottom line confirm  
19 incidence is the area that's most pressing and most  
20 important in those areas. And then, obviously, an  
21 enforcement aspect can cut across a number of those as  
22 well.

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1           In terms of if we know what the limitations are,  
2 what are we looking for in a good database? And, again,  
3 you're looking at the types of things that it's -- what  
4 needs to be improved, but also what's the ideal in terms  
5 of where you'd be looking at. Data quality is critical,  
6 the representativeness of the data, the credibility of  
7 it, does it confirm, is it anecdotal. Does it have  
8 adequate details so it can provide help in different  
9 concepts? Does it have different values and different  
10 importance there?

11           The functionality, you can get some data but if  
12 it's not accessible not only to us but to other people,  
13 it's not as valuable. The ease of use of the data, if  
14 it's on paper as opposed to electronic types of systems,  
15 Again, it's very, very difficult and expensive to use.  
16 And is it clearly understandable? If you get some  
17 information that gets too technical or, you know, too  
18 detailed in terms that you need an expert to translate,  
19 then it's not going to be as valuable.

20           And then the bottom line again is in terms of  
21 the availability. How much does it cost and can you use  
22 that in a sustainable manner for any of those databases?

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1 EPA is not the source of a lot of this data.  
2 We're piggybacking on it and getting -- nobody's going to  
3 get a lot more, if any, money for these systems. So,  
4 we've got to make maximum use of the data systems we  
5 have.

6 The next slide shows some of the data systems  
7 that we now use for some of these reasons or that we  
8 could use in the future. I'm not going to run through  
9 them all because we're going to give you an opportunity  
10 to give us some sense of it. But these are the ones we  
11 basically looked at in terms of -- for our strategic  
12 planning purposes and for some of our other activities,  
13 what are ones we can utilize for health incident  
14 information.

15 There's a lot of those that are fairly well-  
16 known. Most people know poison control center  
17 information or toxic exposure surveillance system that's  
18 collected. It has, obviously, limitations, but it's one  
19 of the better systems in terms of verifiable data that's  
20 out there.

21 The sensor data that we're trying to make better  
22 use on is a type of one that can give you drilled-down

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1 data. It gives you more information than just numbers  
2 because of the nature of how that's collected and used.

3           You've got other ones. You've got the FIFRA 682  
4 data that we obviously use now for a number of reasons,  
5 that's plugged into our risk assessment, risk management  
6 circumstances, and there's other activities that can be  
7 drawn out of those things. And there's a number of other  
8 ones that people have suggested that we've tried to look  
9 out for multiple uses again.

10           The next slide references, again, the  
11 enforcement activities. I've talked about that in  
12 passing a little bit. Clearly, we ought to be  
13 coordinating collectively on these things. They've got  
14 different uses and purposes. But, again, there's some  
15 crossover information that can be available there. The  
16 National Compliance database is the main one that's used  
17 for compliance purposes. We've been working with OECCA  
18 to try and see how we can utilize that and they can  
19 utilize some of our information, one, for the activities  
20 specifically on enforcement, but more importantly for  
21 their strategic outcomes as well. And there's some other  
22 ones here that are listed and identified that we're --

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1 we've looked at or will look at as well.

2           The next slide talks not so much about the  
3 incidence data system, but again the importance of the  
4 supporting data systems. To fully understand and put in  
5 context information, you've got to know some of the  
6 information in terms of agricultural worker and pesticide  
7 issues like use patterns, migrant worker demographics.  
8 There's several very good databases that we take  
9 advantage of here, the NAWD (phonetic) database on --  
10 from the Department of Labor and demographic information  
11 is critical to us understanding the worker community.  
12 And these one's are important in terms of not only  
13 sustaining it, but again if we put all of our focus on  
14 let's get those numbers or just what those incidents are  
15 and we don't have this information, then we've got less  
16 value in terms of its usability and user-friendliness  
17 here.

18           The next slide just kind of reiterates the  
19 points that we made -- I made earlier. So, what are the  
20 concerns about some of these health databases and some of  
21 the ones that were expressed by people around the table  
22 in earlier sessions here. And they kind of confirmed the

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1 gut reactions that a number of people had with maybe  
2 better specificity.

3           Some of the limitations these databases have go  
4 to granularity; the notion in terms of the causality of  
5 what an incident is is not very robust in a number of  
6 these things; the severity of what the incident is, some  
7 databases have it, some don't; the geographic  
8 representation of those databases, some have it better,  
9 but may be have less numbers, others are very targeted in  
10 terms of individual states. The notion of can we  
11 extrapolate from that for our management or risk  
12 communication purposes is a question before us. And then  
13 the variety of case definitions is something that maybe  
14 we can all work a little bit better on to improve.

15           The next slide talks about some of the potential  
16 improvements we've been looking at and talking to people  
17 about in terms of strengthening some of those  
18 limitations. I don't think anybody's deceiving  
19 themselves that we're going to end up with a perfect  
20 database, with the perfect information on any of these  
21 areas, but there are some areas where we can target for  
22 improvements.

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1           The notion in terms of the poison control  
2 centers people have talked about, it only reflects the  
3 calls that go in. We've been working on a couple of  
4 areas in terms of trying to promote the use of,  
5 obviously, poison control center hotlines and other  
6 things, one, primarily for a better incident response and  
7 effectiveness there. But if you've got more people that  
8 are calling in with better information on these types of  
9 things, you end up with a more robust database and you  
10 start to get those limitations (inaudible) as a byproduct  
11 of the better incident response.

12           The FIFRA 682 reporting system is the one that  
13 we control the most out of all of the data systems that  
14 we've listed there. And we can look at areas like  
15 updating what those reporting requirements are, making  
16 that database more user-friendly, primarily maybe through  
17 facilitating electronic reporting so it can be analyzed,  
18 improve and standardize some of the definitions that  
19 we've got in there. That's an area that we think we  
20 ought to be looking at and it's one of the projects that  
21 we'll be exploring a little bit more.

22           The sensor database, I talked about having a lot

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1 of a granularity detail on causes and that's one that  
2 we've been working with NIOSH on in terms of trying to  
3 improve the representativeness to make sure that it  
4 carries all of the worker streams, and you do that by  
5 adding a couple of states. Again, not cheap, not a one-  
6 time investment, but in terms of strengthening a database  
7 where they got like a ten different states represented  
8 there now, if you had one or two or three additional  
9 states there then you get a much better national picture.  
10 People are more comforted by the conclusions you can draw  
11 and the national representativeness of those databases.

12           And we've got another -- a couple of ones again  
13 with the overlap of the enforcement people that we can  
14 talk about.

15           The next slide talks about the occupational  
16 incident report. I mentioned earlier one means to  
17 promote better understanding and communication is to pool  
18 all of the existing data together in a single document.  
19 If nothing else, it forces us to give a context to -- so,  
20 why do have these differences? What is our  
21 interpretation or analysis of what's the best data?  
22 What's it all mean when it adds up?

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1           And I think that's the thread that we're trying  
2 to think of is that you don't pursue a single source of  
3 improvement, don't pursue a single database. You cannot  
4 pursue improvements for use in all of the different  
5 databases. It's too expensive, there's not enough money  
6 in the world to do that sort of stuff.

7           So, targeting which data we want to use, which  
8 systems we want to try to improve, which partnerships we  
9 all have to work together on to improve the data, is one  
10 of the areas that we'd be looking at.

11           We're looking at preparing an occupation  
12 incident report in the form of a document that we would  
13 put out. The contents of it would be a compilation of  
14 the incident data that's available out there now, what do  
15 the raw numbers say, what are the different sources, what  
16 are the differences amongst them. Give again the  
17 background in terms of the demographics of the worker  
18 population, talk a little bit about the value and uses of  
19 the incident data, caveats, strengths and weaknesses of  
20 the systems and -- so people have a sense of they just  
21 don't take these numbers and run with them. You've got  
22 to have some understanding of the sources, uses and,

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1 obviously, the limitations.

2           And then some analysis and interpretation. What  
3 do we think that it all adds up to? In terms of a  
4 format, clearer is better; shorter is better. Try and  
5 have a graphics-heavy type of report. Have it brief.  
6 Twenty pages is a good target to start with in terms of  
7 conveying here's the raw numbers, here's what we think  
8 they mean, here's the issues that they present, here's  
9 discussions of that it ought to engender.

10           The logistics of that, we're looking to trying  
11 to put this out in 2007. The frequency of the report is  
12 still open to discussion. For a starting point, we're  
13 thinking every three to five years for a couple of  
14 reasons in terms of that as opposed to an annual report.

15           The data doesn't change that often. If you're  
16 going to invest in and try to improve in data  
17 improvement, then you want a little time so you can work  
18 on doing that as opposed to just documenting the same  
19 information year to year. And then the availability  
20 would, obviously, be paper and web availability as a  
21 starting point.

22           This is what we'll be asking you to comment on,

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1 get your input on over the next couple of months to start  
2 off with.

3           The next slide goes to the questions that we're  
4 asking ourselves, we'll be asking you. What we'll do is  
5 we'll put together in a short report form a summary of  
6 the analysis that we did on the different data systems  
7 out there, which one's are -- what the numbers are  
8 overall, what the costs are overall, what some of the  
9 strengths are and what some of the limitations are to get  
10 people's reactions.

11           We'll start off with a simple question in terms  
12 of how should we define incident? If we can come up with  
13 a standard definition or sets of definitions for  
14 different uses, then we've made at least some progress in  
15 terms of having a common set of terminology so we can  
16 have the inevitable discussions and debates we'll have in  
17 this area.

18           We'll ask you about the relative value and uses  
19 of the data. We've got initial impressions in terms of  
20 which databases are stronger for which uses. We'd like  
21 your sense of that as well. Potential extrapolations  
22 from data, the ways to a mega calculation, utilize this

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1 to get some better, more accurate pictures of what the  
2 entire picture is. And then what are some of the  
3 essential caveats.

4           We think we've got a good sense of what some of  
5 the data sources are, but are there other ones out there  
6 that we've missed, that people think we ought to take  
7 into evaluation when we're considering these things? And  
8 then where should we focus our efforts, our limited  
9 resources collectively to try and strengthen these things  
10 to achieve those important objectives we started off  
11 with.

12           And then, obviously, we'd like your thoughts in  
13 terms of the format. As I said, we think that shorter is  
14 better as a starting point. We think you're trying to  
15 convey some information that's amenable to graphic  
16 display, but if you got other thoughts on the format, the  
17 logistics, the timing, the frequency, we'd certainly like  
18 to hear that.

19           The next steps, this summer we'll distribute to  
20 this group and others, I suspect, a draft document along  
21 the lines of describing the databases and some of the  
22 limitations and ask some of those basic questions I just

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1 put to you in terms of your thoughts and reactions. And  
2 we'd love to hear from a range of people in terms of what  
3 their thoughts are on these issues that they were going  
4 to be using.

5           We're going to begin using the strategic plan  
6 targets in FY 2007 and modifying supporting databases and  
7 internal things, and some of that we'll bring out of the  
8 woodwork, I think issues in terms of if that's the data  
9 you're going to use, I am interested in improving at all  
10 or how can we use some additional data. That's always a  
11 reaction to information that's put forward.

12           We'll seek opportunities in terms of our  
13 individual processes for risk management, but also  
14 collectively in terms of the worker safety program, for  
15 the greater analysis of the data that we've got. We've  
16 used some good data and some good analysis to date.  
17 We're going to be looking to see if we can improve on  
18 that area as well, particularly with regard to -- as we  
19 move into the registration review program and start  
20 feeding into the individual activities there.

21           And I mentioned we'll prepare the initial draft  
22 report after we get some input and continue to do all our

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1 work on this sort of stuff. And in FY 2007, we'll try  
2 and issue the initial occupation incident report and  
3 decide how frequently we should do that in the future.

4 So, that's your heads up, that's the overview of  
5 some of the areas in terms of this that we'd be working  
6 at. It is -- will be, in part, in terms of in the  
7 context of the larger activities we'll be doing to  
8 improve the non-occupational incident work that goes from  
9 our strategic plan and other activities as well. So,  
10 we'll try and work hand-in-hand with that, and I'd be  
11 glad to answer any initial questions.

12 MR. JONES: All right. As you can see there's  
13 going to be plenty of opportunity for all of you and the  
14 general public to comment on the specific approach that  
15 we're going to be pursuing here later this summer. But  
16 if you have any questions, general feedback for us, that  
17 would be appreciated.

18 Jennifer?

19 MS. SASS: Thanks for the presentation. I just  
20 have some questions. Does EPA keep a database -- do you  
21 have an incident data base right now of fatalities for --  
22 and incidents related to farm work, I guess? How -- I

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1 guess my question is, does OSHA collect any of this  
2 information is my question? If not, does EPA have  
3 similar databases to what OSHA collects?

4 MR. DIAMOND: I think the answer to that is a  
5 mix, that you've got different people for different  
6 purposes that have data on pesticide incidents. If you  
7 look at some of those databases, I'm not sure in terms of  
8 OSHA's database -- many times it doesn't drill down to  
9 that level of a pesticide worker or an agriculture worker  
10 which is why we can cobble these together.

11 Our 682 database obviously has information that  
12 we maintain in terms of some of these databases. The  
13 types of stuff that we've been working with the Poison  
14 Control Center is those -- that 1,300, 1,500 figure --  
15 are the ones that they characterize as agricultural  
16 worker, pesticide applicator/user types of things  
17 separated from the residential and separated from other  
18 things.

19 And one of those things is that we'd continue to  
20 work with them and just to try and refine the definitions  
21 of what those are so that they can get a better  
22 specificity. But there is, again, no single database

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1 that has the types of information that you're talking  
2 about, I don't think.

3 MS. SASS: So, the idea was that EPA would try  
4 and put this together and house something?

5 MR. DIAMOND: No, no. Let me make that clear.  
6 We're not talking about EPA creating a new mega database.  
7 We're trying to look at, for the existing databases out  
8 there, the ones that we've got, how do we make them  
9 better or utilize them better to derive whatever  
10 information we can. We're not planning to establish a  
11 large new database here on our own. One, we think some  
12 of these other people are already doing some of that type  
13 of stuff; two, that's a major and costly effort in terms  
14 of, you know, diverting resources from other protective  
15 activities.

16 MS. SASS: And does OSHA have a database that it  
17 has farmworker incidents? Is it -- how is OSHA's  
18 database set up on this?

19 UNIDENTIFIED MALE: The Center database has a  
20 limited number of states that is covered and they do --  
21 and the states involved in the system have common  
22 definitions and common reporting requirements and common



1 tiering of events/incidents. So, that's the database  
2 that Bill was referring to as having the ability to  
3 drill-down to specifics that could be brought back into  
4 the program relative to risk assessment and risk  
5 mitigation. That's the most robust database as far as  
6 depth. It lacks coverage which the Poison Control Center  
7 databases would give you.

8 MR. DIAMOND: And also on that one, because  
9 we've been dealing with NIOSH in terms of trying to  
10 promote them to maintain and sustain that database in an  
11 era of decreasing resources, the pesticide aspect of that  
12 that Kevin was taking about is just a slice. It's an  
13 add-on to a broader database. So, you know, it's  
14 something that's almost a service to us that they're  
15 doing there, which is one of the reasons why we don't  
16 think we have to reinvent the wheel if we can work with  
17 them.

18 MR. JONES: Beth?

19 DR. CARROLL: Well, one comment and then a  
20 couple of questions. On -- and I think Kevin said this  
21 earlier, you need -- I would caution you to be careful in  
22 looking at restrictive use as a category for all

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1 occupational because they're not all restricted use due  
2 to human exposure issues.

3 And then, I have a question about your  
4 calculations. What --

5 MR. DIAMOND: Well, let me just make sure we get  
6 that one answered first.

7 DR. CARROLL: Okay.

8 MR. DIAMOND: These databases, I don't think any  
9 of them are limited solely to restricted use. I mean, in  
10 some cases, you do have the pesticide that's identified.  
11 In many cases, you don't. So, we're not looking to just  
12 limited to, you know, restricted use incidence. So, this  
13 is any occupation.

14 DR. CARROLL: No, I understand that. What I'm  
15 saying is if you look at it and check the box restricted  
16 use, it may not be because it -- the restricted use label  
17 -- the use of restricted use is not always because it's  
18 highly poisonous to an individual. It's often for other  
19 reasons.

20 On your calculation, what definition did you use  
21 of risk event to do that calculation?

22 UNIDENTIFIED MALE: We used different

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1 definitions for different people. What we assumed was,  
2 for example, agricultural workers, is that there's a  
3 potential that exists for exposure that has obviously  
4 potential risk there. And I don't have the numbers in  
5 front of me, but we used numbers that looked, I think, as  
6 -- numbers that show agricultural workers on average that  
7 are in the field 105 days a year. And if they're in the  
8 field 105 days a year, we tried to do what subset of that  
9 is there a potential for them to be exposed to pesticides  
10 that may create a risk. And I think we came up with  
11 something like a 5 percent estimate where they're either  
12 potentially in the field early, there's maybe the  
13 violation of the label use or something like that.

14           So, we've got a subset that's supporting that  
15 number that's basically a conservative assumption of  
16 numbers just to give us the ballpark figure. And those  
17 are the types of calculations we drew from whatever  
18 databases we had.

19           In terms of applicators, we assumed, I think,  
20 that any time an applicator uses a pesticide, there is a  
21 potential for risk, an incident there, and used a very,  
22 very conservative number again to come up with the number

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1 of potential incidents from that. I think we used in the  
2 calculation something like four applications a year. And  
3 that was to try to balance off the people that -- you've  
4 got the professional applicators obviously it using a  
5 lot, but also the people under the supervision that we  
6 grouped together in that same category who may be --  
7 won't be using it very much at all.

8           And let me just say that when we developed those  
9 calculations, it was within recognition of the  
10 limitations of those estimates which is why we asked  
11 people for comment for them. But the purpose of it  
12 was -- is to try and give us some comprehensive sense of  
13 so what's the whole universe of potential risk out there  
14 against which we can compare the incident numbers.

15           DR. CARROLL: And I just want to be sure I  
16 understand this, 682 is a searchable database?

17           MR. JONES: No.

18           DR. CARROLL: Okay.

19           MR. JONES: I mean, not electronically  
20 searchable.

21           UNIDENTIFIED MALE: No, no.

22           DR. CARROLL: Well, it just seems like that's a

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1 lot of work if you can't search on it because it -- we're  
2 reporting all kinds of incidents to the 682.

3 UNIDENTIFIED MALE: Well, I think we think the  
4 same thing. We get that information in paper form. We  
5 translate it, we analyze it and we utilize it in terms of  
6 (inaudible). The notion of having a standard electronic  
7 template, a submission type of reporting for that  
8 information would make it much easier to do the analysis  
9 and use that information than the traditional, you know,  
10 reviewing paper submissions. And that's an area that we  
11 think has a lot of opportunity for increase because  
12 you've got control over those types of things in terms of  
13 not just programmatic control, but in terms of the  
14 interest of the registrant to get that information in a  
15 standard form as opposed to some of these other ones  
16 where you're relying on phone calls, analysis, medical  
17 screening, and all those types of things.

18 So that, as I pointed out, is one of the areas  
19 that we think over the next of couple years we're going  
20 to be looking at.

21 MR. JONES: Amy Liebman, Shelley, and then Amy  
22 Brown and (inaudible) and Mike, I'm sorry.

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1           MR. LIEBMAN: I just want to say that I am very  
2 glad to see the EPA is taking up this issue. And we  
3 heard earlier this morning how the incidents reports  
4 really affect how you phase out a product based on what's  
5 happening out in the field. And so, we're really glad to  
6 see this. And I think it will be, you know, an important  
7 document and, of course, that document will be as good as  
8 the data that you can get. And I, certainly, you know,  
9 appreciate all the challenges in collecting that data.

10           And so, you know, I always say this, but  
11 hopefully, you know, the first round of the report that  
12 you do will highlight the need for sort of a very simple  
13 national reporting of pesticide incidents. I mean, it's  
14 needed, it's showing up. And you guys are trying to  
15 measure and evaluate what you're doing. We're really  
16 seeing how hurt we are by the lack of such a reporting  
17 effort.

18           So, I urge you -- I know you don't want to spend  
19 more resources, you don't want to reinvent the wheel to  
20 get our national reporting database or place the report  
21 underway.

22           MR. JONES: Shelley?

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1 MS. DAVIS: First of all, I want to say that I'm  
2 really pleased to see that you've, you know, made this  
3 big initial effort. And, you know, this is much needed,  
4 you know, long overdue, but, you know, congratulations  
5 for getting underway and also recognizing the importance  
6 of actually getting this data.

7 I just want to make some quick comments. One is  
8 that the GAO has actually also analyzed these data  
9 systems over the years. So, I mean, if you don't  
10 already, you know, have what their -- they thought, you  
11 know, definitely get into that. But in that vein, you  
12 know, the GAO reports, you know, go through data source  
13 by data source and say, well, if you could only add, you  
14 know, an occupational data point here and a this there,  
15 you know, you could make this thing a lot more  
16 worthwhile.

17 So, you know, even though you don't want to  
18 reinvent the wheel, you know, you got to look at  
19 potential partners who you could throw a little bit of  
20 money, might make their data more useful to you.

21 And to that end, I mean I think -- you know, I  
22 commend you for coming up with all these different ideas

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1 and, you know, of course, I hope to look at your slides  
2 more in depth offline. But I really think that the focus  
3 has got to be on the drill-down data because for all your  
4 programmatic purposes that's going to be the stuff that's  
5 really going to be the nuggets of gold. And so, that's  
6 where, you know, I would think you need to put in your  
7 resources.

8           And then finally I just want to kind of  
9 piggyback on Amy's point which is that what we all agree  
10 on is that these incidents are under reported. And we  
11 got to involve, you know, the relevant stakeholders, you  
12 know. Here, we mean clinicians, farm workers, and others  
13 in getting these incidents reported in real time so that  
14 they can get investigated, so that they can get into  
15 these data systems. So, you know, really thinking about  
16 rolling out, you know, some kind of campaign to make this  
17 user-friendly is also a critical piece of this.

18           MR. JONES: Thank you. Amy Brown?

19           MR. BROWN: Actually that last point that  
20 Shelley made is a good point. That wasn't my original  
21 comment, but making it user-friendly to report it because  
22 I do understand that there's a lot of inconsistency in

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1 the reports that come in, based on the amount of time  
2 that people have. I have some other ideas on that that  
3 I'll take up at another time.

4           But I'd also like to commend you for trying to  
5 do this in a really nice systematic and thoughtful way  
6 because I know how very difficult it is to work with some  
7 of these incident reporting systems, having tried myself.  
8 But I'm -- going back to the question before -- I forget  
9 who brought it up -- about the base number that you're  
10 starting with of potential exposures -- potential risk  
11 type exposures per year. On your occupational users,  
12 Bill, you have four applications per year per  
13 occupational user. That just on the face of it just  
14 seems low to me and I wonder if -- that's just not just  
15 for ag, right? That's for all occupational users of  
16 pesticides?

17           MR. DIAMOND: Right.

18           MS. BROWN: Because surely the structural pest  
19 control industry and the lawn and landscape and  
20 ornamentals type industry would apply a whole lot more  
21 often than four times a year. And I'm wondering if  
22 you've worked with any of the exposure assessment

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1 researchers out there who might be collecting some of  
2 those data that you could really extrapolate from. I'm  
3 not sure whether -- I mean, I would just be pulling a  
4 number out of my hat, but I'm sure there are people have  
5 actually done some research on that.

6 MR. DIAMOND: Well, again it -- because of the  
7 way we've grouped it together for the kind of mega  
8 calculation here, you can probably get some good  
9 information in terms of -- yeah, the occupational and the  
10 structural and we can do some more talking to people  
11 after we find that number. If you look at the underlying  
12 number there I think that we've got approximately eight  
13 million people that are identified as occupational users.  
14 The biggest number that we've got under that is the  
15 number that we had for the under the supervision of and  
16 that's where we don't have good numbers and that kind of  
17 masks it.

18 And we'd be glad to hear from people what they  
19 think the better numbers are so we can maybe refine that,  
20 and one of the reasons I put that slide in terms of that  
21 level of detail here is because, as we talked earlier,  
22 that's exactly the type of stuff that is out before you

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1 for comments now under the strategic plan. And it's the  
2 type of detail that may be lost. And if other people  
3 have better information to calculate that, we'd like to  
4 hear it. But also we'd like to hear the data sources as  
5 well. That's one of the things that going through OMB  
6 and other people that we've have to justify.

7 MR. JONES: Thanks. Julie and then Allen.

8 MS. SPAGNOLI: I think this is, you know, a huge  
9 undertaking and I guess, you know, it's always -- with  
10 any kind of data, you know, the quality of what comes out  
11 equals the quality of what goes in. But I guess, you  
12 know, looking at -- if we're looking at trends, you know,  
13 probably trends are -- when you have data that's of  
14 varying depth of detail, you know, they may be trends are  
15 what -- are the best thing you're going to get out of it,  
16 but I think any time you're looking at trends, it's  
17 what's the baseline.

18 And what are you -- you know, make sure we're  
19 not comparing apples and oranges and that we're looking,  
20 you know, not to look at minor crops, but we're comparing  
21 the appropriate things.

22 And then I guess the other just, I guess,

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1 caution I always see, you know, with extrapolations is  
2 that by virtue of being an extrapolation, it's an  
3 estimate and it's not an absolute number because  
4 depending on how many confounding factors there may be  
5 going into that, you know, that sometimes extrapolations  
6 are then -- people look at them as an absolute number,  
7 that it's -- when it's actually just an estimate. So, I  
8 think that's the one concern I have about extrapolations.

9 MR. DIAMOND: You're right. And we - we're all  
10 -- we have the limitations you have from those types of  
11 things, but if there is a generalized assumption of under  
12 reporting, which is kind of universal here, then maybe  
13 it's nothing better than the best professional judgment  
14 type of extrapolation is helpful because otherwise, what  
15 you'll end up with it is people doing their own  
16 extrapolations or that you've got no competing ones. And  
17 I appreciate the limitations for trying to come up with  
18 that sort of stuff, but it's certainly worthy of  
19 discussion in terms of are we 100 percent, are we 10  
20 percent, are we 50 percent, so you can get a ballpark of  
21 what the magnitude is based upon the existing knowledge  
22 and expertise of the people engaged in the discussion.

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1 MR. JONES: Thanks, Julie. Allen?

2 ALLEN: Thank you. And I don't want to seem  
3 like I'm not concerned, I am very concerned and our  
4 industry is extremely concerned with incidents of  
5 pesticide activity and injury. Exposure, however, does  
6 not mean harm and we seem to forget that sometimes.  
7 There's a lot of exposure in everyday life. That does  
8 not necessarily mean harm.

9 But in looking at the numbers we've seen today,  
10 I think we can be extremely proud of the safety record of  
11 pesticides in our country. If you simply assume that the  
12 300,000 estimate we had in here which was the worst, and  
13 maybe it's not totally accurate, but 300,000 incidents  
14 compared to what Amy states is an understated amount of  
15 40 million potential exposures to pesticides, that's less  
16 than 1 percent. So, our safety record, even if we assume  
17 that all of these numbers are wild "eyed" guesses, is  
18 quite exceptional when one thinks about it.

19 And we have actually done a lot of work in  
20 looking at urban incidents because we have a lot of  
21 accusations about urban incidents. And you can remember  
22 a couple of the compounds that have been removed from the

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1 market that had claims of extensive harm and yet the  
2 actual incidents reported and requiring medical  
3 attention, for example, turned out to be extremely small.

4           Tim One (phonetic), a member company of some of  
5 the applicator associations, did a multi-year study  
6 carefully conducted by universities and medical  
7 professionals of their professional applicators who are  
8 -- not only certified applicators but technicians who  
9 fall into the category of, as it was expressed earlier  
10 today, somewhat trained individuals, the minimal training  
11 might be applied. And that record of safety that was  
12 reported under those studies was indicative of far less  
13 problems from the application of pesticides than from  
14 their normal ordinary life experiences.

15           And so, I don't want us to minimize any  
16 potential -- indication of potential harm from a  
17 pesticide because we're concerned about every actual one.  
18 And our industry works very hard to minimize any  
19 potential harm that might come from, most likely the  
20 misuse of our products, or even the use of our products.  
21 But I think we ought to always keep in mind that the  
22 record is quite good and we would like to improve on that

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1 record.

2 MR. JONES: Let me just ask if the record  
3 reflect Allen said wild eyed guesses in the transcript,  
4 if we could.

5 ALLEN: Isn't that what I said?

6 MR. JONES: I'm sure that that's what you said.  
7 Michael?

8 MICHAEL: As somebody who has been working with  
9 the environmental 682 data, and now our database now goes  
10 back to the '70s on all the environmental, ours are  
11 avian, but certainly EFED, Environmental Fates and  
12 Effects Division, has now electronic records for all of  
13 the environmental exposures. As somebody who uses that  
14 database, I can tell you it's extremely valuable.

15 And to have the 682 data for humans not be in  
16 that kind of an electronic form to be used, I think is  
17 unfortunate, and, you know, is a real place where a grant  
18 to the right kind of institution who would put that data  
19 into a database, I think would be extremely useful. And  
20 we'll have a long-term data set that could really give  
21 you trends on particular compounds, trends for changes in  
22 technologies, trends in changes in agricultural practices

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1 that I think you're not going to find anyplace else.

2           So, I would really encourage you to build that  
3 database electronically from the hard copies that you  
4 already have.

5           MR. JONES: Thanks. In the interest of  
6 fairness, Jennifer, I'm going to let you respond to  
7 Allen's comments, but that will be it. We're not going  
8 to then get into just a back and forth. Go ahead.

9           MS. SASS: I'm really going to respond  
10 indirectly. The World Health Organization has a report  
11 out that says that as much as 24 percent of global  
12 disease is caused by environmental exposures and it  
13 estimates that more than 33 percent of diseases in  
14 children under the age of five are caused by  
15 environmental exposures, and that preventing  
16 environmental risk could save as many as four million  
17 lives a year globally.

18           They have more specific information country by  
19 country and there's more here. But I think it would  
20 actually be rather naive and silly to make a presumption  
21 that we can be exposed to things that we know are  
22 harmful, but that we shouldn't assume that there's harm

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1 unless we have the proof. That said, I want to also see  
2 the data. So, I would also encourage you to continue to  
3 collect the data that we need.

4 MR. JONES: Okay. Well, I want to thank all of  
5 you. You've got a remarkable degree of staying power.  
6 Bill, thank you for your presentation as well. I think  
7 this was a useful feedback session.

8 Okay, our final -- the fifth work group is going  
9 to now make their presentation and that is the PRIA  
10 process improvements workgroup. Marty Monell is going to  
11 open this up.

12 MS. MONELL: Okay. We get the last task of  
13 basically bringing you all back to where we started this  
14 morning which is registration activities. And for those  
15 of you that are first-timers to the PPDC, you're probably  
16 wondering what all those references to PRIA was about and  
17 the registration charts and trends data that was  
18 presented there.

19 PRIA is the Pesticide Registration Improvement  
20 Act, which became effective in March of 2004. It came  
21 about as a result of years of very hard work by a  
22 dedicated group we called the Coalition, and that's made

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1 up of industry and trade associations, public interest  
2 groups, environmental groups, consumer and label groups  
3 and all of their work was supplemented by technical  
4 assistance from EPA.

5           Next slide, please. The basic provisions of the  
6 statute covers -- provides for five years of maintenance  
7 fees which ensures that we will meet our FQPA deadline of  
8 August 3 of 2006 and then October 1 of 2008. That was an  
9 area that was of particular importance to public interest  
10 groups. The enhanced registration service fees that we  
11 collect for registration activities are assessed on nine  
12 categories of registration activities, in return for  
13 which we have mandated time frames within which we are to  
14 make decisions regarding actions and applications  
15 presented to us.

16           There is a significant provision for fee waivers  
17 for small business, for actions put forth by IR4, for  
18 actions contemplating minor use and then anything that  
19 comes to us from state or other federal agencies.

20  
21           There are two very important set-asides that we  
22 provide out of the fees that we collect. One is for

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1 worker protection activities; one of which was, for  
2 instance, to expand the sensor information that was  
3 mentioned in the previous presentation. Another area  
4 that was provided for is the registration of new inert  
5 ingredients.

6           Next slide. The benefits of the statute,  
7 obviously, for the registrant community, they have  
8 reduced time frames and sort of a predictability of when  
9 their registration decision will come out. There's more  
10 accountability for those decisions therefore. They're --  
11 for EPA, obviously, we have increased resources that help  
12 us with FQPA and re-registration deadlines as well as  
13 more stable funding for the pesticide program in general.

14           Next slide. One of the provisions in the  
15 statute is that -- and you can read it -- is that the  
16 agency figure out a way to implement process improvement  
17 that will enhance our ability to meet these time frames,  
18 but of equal importance that we will be able to address  
19 the concerns of stakeholders -- all stakeholders in the  
20 decision-making process.

21           So, to that extent - next slide. Two years ago,  
22 we brought to the PPDC, this group, the issue of how do

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1 we implement that statutory provision. Is the PPDC  
2 interested in giving us some feedback, some  
3 recommendations, some advice around how to handle process  
4 improvements which is really process-oriented advice  
5 around improving our registration processes across the  
6 organization.

7           The PPDC ultimately suggested that we have a  
8 work group and that the workgroup be primarily focused on  
9 the registrant community because, obviously, the  
10 processes involved are those that result in registration  
11 decisions, but we also had some interest from NRDC, so  
12 they've been a part of this work group as well.

13           You can see the number of meetings we've had.  
14 Our charge basically, again, is to look at the process  
15 improvements to enable us to meet the decision time  
16 frames and in the process of doing that to deal with  
17 issues identified by stakeholders.

18           We -- you're going to hear now from Ron  
19 Derbyshire about three areas that we have been focusing  
20 on. One is a labeling issue, and this is distinct from  
21 the consumer labeling issues that you've heard about  
22 earlier. This is more the consistency of the process

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1 that we use in the registering divisions for reviewing  
2 proposed label language.

3           Secondly, you'll hear about the blue book and  
4 then the most -- our most recent endeavor is product  
5 chemistry. Looking at the way -- from industry's  
6 perspective, there was some concerns again about  
7 consistency of reviewing product chemistry. And from our  
8 perspective, EPA's perspective, the issues around product  
9 chemistry associated with a registration submissions,  
10 those issues account for over third of the cases that we  
11 have to re-negotiate time frames. You heard a little bit  
12 about that first thing this morning. We have about an 8  
13 percent rate of re-negotiating our due dates under PRIA  
14 and a third of that 8 percent is due to issues  
15 surrounding product chemistry. So, we asked the work  
16 group to take that on.

17           And now, I'm going to turn it over to --  
18 hopefully, you all remember Elizabeth Lavay (phonetic).  
19 She is our Senior Adviser for PRIA implementation and Ron  
20 Derbyshire, who is with Johnson Diversy (phonetic) who is  
21 also representing Consumer Specialty Products Association  
22 in biocides?

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1 MR. DERBYSHIRE: Biocides, yes.

2 MS. MONELL: Thank you.

3 MR. DERBYSHIRE: Okay. Thank you, Marty.

4 We've heard a lot today about checks and balances for  
5 registered products. The first thing we have to do is  
6 actually register those products which keeps many of us  
7 occupied and employed.

8 Next slide, please. Again, what Marty) had  
9 talked about, the three topics, the coalition has met  
10 multiple times and we've started through our top  
11 priorities on improvements that could help PRIA move  
12 smoother. And these are the first three and there are  
13 committees set up for each of these three.

14 Next slide, please. Under labeling -- sorry,  
15 here we go, thank you.

16 The PRIA improvement group put together a group  
17 on labeling to discuss the priorities. And what we've  
18 pulled together is issues from industry within the  
19 labeling. It's not just labeling as a general, it's the  
20 whole labeling manual, but also very specific issues.

21 Next slide, please. The labeling group that  
22 came together within OPP, a representative of each of the

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1 divisions and also enforcement and general counsel. The  
2 purpose is to oversee the labeling process policies and  
3 issues across registrations and re-registrations and  
4 resolve them, and also communicate that information out  
5 so that registrants and OPP understand what these new  
6 standards are.

7           Next slide, please. Their charge is to revise  
8 and keep current the label review manual, serve as a  
9 clearinghouse for broad issues for labeling, also  
10 determine the scope and nature of cross label policies  
11 where needed, recommend solutions and measures for  
12 implementing solutions to senior management, and also  
13 manage our website devoted to a labeling issues.

14           Next slide, please. The websites have gone up  
15 now. There is an address you can send emails into for  
16 questions and comments. And, also, you can go on and  
17 look at other comments that have been sent in.

18           Next slide, please. So far, 36 questions have  
19 been submitted in since June 1st. We see this as a very  
20 successful program, that people are actually using it and  
21 it's helping with consistency and it's also a very good  
22 start. Sixteen have been answered, 14 have been posted,

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1 and the other ones is continued to be worked on.

2           Next slide, please. These have also led to  
3 changes in the label review manual. What they're doing  
4 is looking to make corrections not change policy. So,  
5 it's just adding additional information into the label  
6 review manual so it's clear what policies already are and  
7 re-wording the manual so it's easier to use. They're  
8 also looking to put it on the web which is a huge step  
9 forward and that's going to start happening in June.

10           Next slide, please. The big hits for PRIA  
11 implementation under label review manual, the first one  
12 is for use only, which causes a lot of re-circulating of  
13 information, re-circulating of applications via the  
14 agency. This was a big one.

15           The next one is mandatory versus advisory  
16 language -- next slide, thank you -- and warranty  
17 statements. This came in from quite a few of our members  
18 that they're concerned about the labeling warranties and  
19 statements, they're making sure that they're consistent.  
20 So, they're providing clarity on that. That will be  
21 posted on the website along with the label review manual  
22 and notify stakeholders, it looks like in July.

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1           There will also be some internal training within  
2 OPP, so there's consistency across the different  
3 divisions.

4           Next slide, please. Other issues that this  
5 group is addressing, or -- are when you have the same  
6 active of ingredient statements. Mosquito Miester --  
7 Mister, sorry. That's about the devices, minimum use  
8 rates and the maximum limits of AI per crop per acre.  
9 This one I hadn't heard of before. That what happens  
10 sometimes is a farmer will use -- only use two  
11 applications of a product. So, they'll do that, and what  
12 they'll do is then buy another product with the exact  
13 same active ingredient and use that twice more after  
14 that, how to limit that

15           The issue is the blue book. For those that have  
16 actually seen the old blue book, it was a blue book. It  
17 did have a title, General Information for Applying for  
18 Registration of Pesticides in the United States, which is  
19 why everyone says blue book. Those of us who have the  
20 original ones, my blue cover is now gone, but it's very  
21 much a cherished document. It does provide a basic how-  
22 to guide. It's used both by industry and OPP.

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1           The last version is 1992. It needs a -- both an  
2 update to reflect current policies and also the questions  
3 that have been coming up for over the years and help with  
4 the registration applications.

5           Why update the blue book? It is, again, a  
6 critical reference used to develop registration  
7 applications, which is what a lot of registrants use on a  
8 regular basis. What we're seeing is that some  
9 applications are becoming -- are coming in under PRIA as  
10 incomplete and this will help work through some of these  
11 issues. We're actually starting to see a lot of  
12 increased negotiations of submissions, and also a lot of  
13 time and effort is going into applications that don't go  
14 through the first time or have to be re-negotiated as  
15 they go through.

16           Next slide, please. This is shows the trends in  
17 PRIA negotiations. When an application is sent in under  
18 PRIA, it has a set time line. If the application goes  
19 through the agency and cannot be completed in that time  
20 line because of information missing or some part of the  
21 application was actually missing, pages weren't signed,  
22 for a lot of different reasons, the registrant and the

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1 agency will negotiate to extend the time line. And as  
2 you can see, there's an uphill trend there and it's not  
3 just -- it's just not the number of applications, but  
4 it's actually the number of re-negotiations per  
5 application is going up.

6           So, a focus group was gathered to update it,  
7 look at the blue book. We met April 20 -- oh, fairly  
8 recently -- and looked at improvements and also what the  
9 blue book would do. So, the team came up with some very  
10 good suggestions.

11           Next slide. The focus group members cut across  
12 the different parts of the industry and also the  
13 different branches within AD, RD, and BBD.

14           The summary of the focus group meeting, it was  
15 agreed that it's very helpful, it's both helpful to EPA  
16 and registrants, and it tends to be geared for smaller  
17 companies because there's a lot of information on how to  
18 do the very basics. But it's also very much used by  
19 registrants. It's a reminder. Make sure you don't  
20 forget anything.

21 It's a condensed cliff notes -- I like that, that  
22 actually says it very well -- of how to put together a

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1 registration.

2           From my own personal experience, even when you  
3 have all the information and you gather it all up just  
4 putting together an end use product can take over a week,  
5 and just physically doing it -- and there's a lot of  
6 things that you can miss. It's easier doing it wrong  
7 than it is doing it right. And this book has helped very  
8 much making sure that right is more often than wrong.

9           It also provides basic information about links  
10 to -- we need links to the statutes, regulations, also  
11 guidance documents. And how do we do that? That's a bit  
12 of a challenge.

13           We also don't -- without providing -- the last  
14 point, we don't want to provide too much information that  
15 you can be so overwhelmed with all the information on.  
16 Each registration is different. To have every possible  
17 situation, you'd have a book that's so thick no one would  
18 be able to read it or understand it.

19           Next slide, please. The group recommendation is  
20 to keep it step-oriented, the decision tree. Follow how  
21 an application is actually developed and also consider  
22 aspects of enforcement and post-registration activities

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1 that quite often they're not taken into calculation when  
2 a -- especially for a new registrant, they may not  
3 understand that you have a federal registration. Well,  
4 now you have to go to the states and get it registered in  
5 the states also. So, it's the whole package.

6           It also will help between registrants and the  
7 agency having standard application guidance so we all  
8 know what the standards are and the target that the  
9 agency wants us to hit and that's what we aim for. It  
10 will also provide examples, and in a web version, links  
11 to the reference material forms and examples, very  
12 powerful.

13           Improving the registration applications, this is  
14 what the blue book is for, develop an interactive web-  
15 based system for generating the registration application.  
16 That seems so simple. To me, that's one of the most  
17 powerful statements that have come out of this group, is  
18 to be able to have a process where you go through the  
19 whole process of building a registration application, you  
20 do the checks and balances to make sure everything's  
21 there so that registration goes in and it goes through  
22 the first time. You have everything there.

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1           Now, when we have that in the future, we'll have  
2 to conduct workshops on data formatting, application  
3 forms and similar topics. Also, look at compiling a list  
4 of common problems and pitfalls you'll experience. Those  
5 that have been doing it for a long time make sure that  
6 that's shared with others so that we know what to expect  
7 and also where we see common errors.

8           Also, look at publishing the agency's checklist.  
9 Registrants -- we each have our checklist, the agency has  
10 their checklist. Let's put them together and make sure  
11 that it's all in there and we know what the target is.

12           Even though we have registrations, what's  
13 actually being rejected? That's an area that we'll need  
14 to focus on, is doing a rejection rate analysis,  
15 identifying those problems and putting them into the blue  
16 book and into the process.

17           Look to produce a tutorial CD that's readily  
18 available. It's not just -- if you miss a class, you'll  
19 have it and be able to work through it. And putting it  
20 in the CD versus having it on the web where you'll tie up  
21 a lot computer space will be very effective. And also  
22 develop and publish standard evaluation procedures for

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1 applications. Again, the idea of what does it take to  
2 register a product.

3           The group's next step, agency staff, they're  
4 going to go through the comments and redo the blue book,  
5 revise a draft and circulate it around within the agency,  
6 and then it will also go through a final agency approval,  
7 and possibly a hard copy version by the end of this year  
8 we're looking for.

9           A less major issue that we're working right now  
10 is product chemistry. This is the one they just started  
11 up very recently, the panel.

12           Next slide, please. Again, we have groups from  
13 RD, AD, and Biopesticides and also a broad group from  
14 OPP.

15           Issues were raised on product chemistry. When  
16 we talk of product chemistry, this is actually part of  
17 the registration package. Product chemistry is not just  
18 the product chemistry as part of a study, it's also a  
19 confidential statement of a formula and ingredients,  
20 inert approvals and such. So, it's all the chemistry  
21 packages.

22           And what we're looking at now is just -- this

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1 group has just met. Again, so we're just getting started  
2 looking at a comprehensive list of inert and tolerances.  
3 So that right now we have lists of inerts that are not  
4 maintained, we have tolerances that are maintained.  
5 Putting the two together so when registrants can actually  
6 go in and look at all their inerts and the tolerances, if  
7 there's any sort of food applications, all at one time.  
8 It gets very confusing that they're in different areas.  
9 It seems easy, but it's going to be a fairly large task.  
10 And the inerts group right now is backed up. They think  
11 toward fall that they'll have more time and this will be  
12 toward their list of top priorities.

13 Another one that comes up for rejection is  
14 storage stability. We do studies on storage stability of  
15 our products. They are rejected for a variety of  
16 reasons. The idea is to have -- come up with standard  
17 SOPs so that everyone knows exactly what's expected and  
18 it's very clear so there's no confusion about the types  
19 of studies, timing and such.

20 Product chemistry, there's questions about what  
21 parts of a product chemistry actually need to be done by  
22 -- under good laboratory practices, GLP, and registrants

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1 sometimes get confused. The regulations are in two  
2 different places. The idea is just to come up with a  
3 simple list. Here are the requirements, doesn't need to  
4 be done under GLP, GLP light or not at all.

5 Confidential statement of formula, this is an  
6 easy one. One of the things that happen is  
7 miscalculation of inerts for a confidential statement of  
8 formula. As you're building, what is actually in the  
9 product? It seems so simple, but when you start talking  
10 about raw materials that have multiple ingredients and  
11 have high or low percentages, trying to actually get that  
12 correct and making sure that is reflected accurately on a  
13 confidential statement of formula. Having it calculator  
14 that everyone agrees to, here's the math behind it. So,  
15 the agency's going to put that calculator on the web.  
16 It's a quick fix.

17 Okay. Next slide, please. Now that the three  
18 top priority issues have been all addressed, it's what  
19 does the group work on next while these other activities  
20 are going on? It came up that e-labels is a very high  
21 priority. Electronic review and submission of labels, it  
22 takes up a tremendous amount of time, both from the

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1 registrant and in the agency's time just reviewing and  
2 comparing labels. It's another one that -- I've read a  
3 lot of labels and my glasses get thicker every year  
4 because of it. And we'll see if we can do that, just  
5 compare it electronically. It will help with accuracy  
6 and consistency in the label review.

7           And, also, this is the first step into building  
8 a system for e-submissions. We talked about putting  
9 together an application electronically. This will be an  
10 interesting trial for us to take a -- though it's small  
11 bites, small step going toward work full electronic  
12 submissions. If we can do it with labels, then we'll  
13 build from there so that there -- a full application is  
14 electronic.

15           Thank you.

16           MR. JONES: Just to remind the group about this  
17 subgroup. It's little bit different from some of the  
18 others. Put aside the science issues that we deal within  
19 our registering program, put aside the policy issues that  
20 we deal with. There's a huge amount of just pure process  
21 associated with submitting applications to EPA from the  
22 registrants, and from EPA's perspective, with managing

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1 all these applications.

2           What we have tried to do is focus this work  
3 group on process, not the policy, not the science. And  
4 the first time that we did some work around this, we  
5 actually did it in this meeting and the consensus  
6 recommendation for all of you were, why don't you go do  
7 that in the work group, but come back before you get too  
8 far out on any one of them as somewhat of a check to sure  
9 we're not getting into the science or the policy.

10           And, actually, I want to thank NRDC for actually  
11 participating in the work group itself to provide some of  
12 that oversight there as well.

13           So, again, what this group is doing -- as based  
14 on our recommendation, they're working process issues and  
15 then they come back to us and describe to us the things  
16 that they're doing for us to sort of look at, and if  
17 anyone's got issues or concerns to raise them here before  
18 we get too far down the road on any process improvements.

19           Okay. Bob?

20           BOB: It's a question or comment, Ron. The  
21 label issues, the -- I think you listed mandatory versus  
22 advisory language and for use only by statements. I

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1 think that's great. And the only question I had was, is  
2 there a process for soliciting comment from outside of  
3 the work group itself?

4 MR. DERBYSHIRE: That's a very good question.  
5 They're -- just within the industry, there's actually  
6 eight trade groups that are part of the coalition. And  
7 what we've been doing is going back to the members of  
8 each of these trade groups and soliciting comments from  
9 them which represent literally hundreds of companies and  
10 very active registrants.

11 Now, is that every registrant that's out there?  
12 No, it's not. So, we've been soliciting from the  
13 industry. And it's been -- we actually have quite a few  
14 comments.

15 UNIDENTIFIED FEMALE: Another mechanism by which  
16 we do get comments is the email address. We do get a lot  
17 of questions concerning simple things like mandatory  
18 versus advisory language. And we actually use those  
19 questions in deciding what to update, for instance, the  
20 label review manual, and we do provide answers on that  
21 website. For use by was, in fact, posted on that website  
22 and that's actually one of the mechanisms that we use to

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1 get comments on it.

2 UNIDENTIFIED MALE: Can I just make a one  
3 suggestion and that's -- again, it's a terrific program.  
4 Is there some way to maybe set a list serve if there are  
5 people who are interested in being notified of the  
6 availability of those kinds of papers and just routinely  
7 have them sent to them?

8 UNIDENTIFIED FEMALE: That's a very good idea.  
9 And if you want to leave your name with me, I would be  
10 happy to take it.

11 UNIDENTIFIED MALE: The reason I'm mentioning  
12 that is, for use only by was a big issue for us and we  
13 kind of stumbled onto it --

14 UNIDENTIFIED FEMALE: Right.

15 UNIDENTIFIED MALE: -- but didn't know until now  
16 there was a mandatory versus advisory, which is also a  
17 big issue. So that would be great.

18 UNIDENTIFIED FEMALE: The mandatory advisory  
19 that we were working on within the label committee,  
20 actually, was trying to assure some consistency  
21 throughout the program. And so, it was really a big  
22 training program that we had where the regulatory staff

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1 reviewers were actually required to attend a training  
2 session on mandatory versus advisory language.

3 UNIDENTIFIED MALE: So policy wasn't changed.  
4 It was just making sure that it was consistent. Everyone  
5 understood what it actually meant.

6 MR. JONES: Jim?

7 JIM: Thank you. I just have a few comments.  
8 The first one, and probably the most important to me, is  
9 the trend -- the upward trend in the PRIA negotiated  
10 dates. I find that really alarming and I think we need  
11 to do some fairly in-depth analysis on why that's  
12 occurring. I know I've heard a few theories throughout  
13 the day today. But they don't jive with the experience  
14 I've had. And I would encourage this work group to dig a  
15 little deeper into their reasons for the negotiated due  
16 dates. That's all I'll say about that right now.

17 The other couple of comments, on inerts, I  
18 strongly encourage the agency to publish a current inerts  
19 list. That would be very helpful to the registrant  
20 community. I'm glad to see that that's on the list of  
21 follow-up items.

22 And in terms of the next issues, I really would

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1 like to see some effort put forth on accuracy and  
2 consistency in label review. I'm finding that label  
3 reviews and some of the decisions that come out of label  
4 reviews are very inconsistent even from PM to PM, not to  
5 mention division to division. So, I think those are some  
6 key areas where we could generate some serious efficiency  
7 within the program.

8 MR. JONES: Thanks, Jim. We are doing some  
9 follow-up on the negotiated due dates. I will say that  
10 we do know that on a percentage base, the highest  
11 percentage is in BTVD (phonetic), the next size  
12 percentage is in AD, and the third is in the registration  
13 division. My suspicion is we will then be able to  
14 correlate it with company size which -- those three  
15 things correlate with company size pretty well. But we  
16 need to get into the details of exactly why it is  
17 happening and what companies are most apt to and then how  
18 can we correct that. We're endeavoring to do that.

19 UNIDENTIFIED MALE: And, Jim, what we do is we  
20 do review those trends, and it has alarmed the group that  
21 it continues to go up. We expected it to start leveling  
22 out a while ago. And, so, yeah, we are very concerned

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1 about that, that the trend keeps on going up.

2 JIM: Yeah, I didn't realize the trend was going  
3 in that direction, quite honestly. So, that's pretty  
4 alarming. And I have no doubt in my mind that a certain  
5 percentage of these re-negotiated due dates are due to  
6 registrant error. I mean, there's no question in my mind  
7 that that does take place. But I think there may be some  
8 other core issues that we need to look at as well.

9 MR. JONES: Julie?

10 MS. SPAGNOLI: I guess I share Jim's concern and  
11 I'm wondering, is there some correlation, because if it  
12 was just company size, why would it be trending up? But  
13 is there also a correlation with as actions having longer  
14 PRIA dates are now coming closer to being done, and are  
15 we seeing more renegotiations with actions that are  
16 associated with longer review times? And, you know, that  
17 may be a correlation more so than company size.

18 The other question I had was, with regard to the  
19 blue book, will that be considered an issuance of a new  
20 guidance? And as -- if it's considered issuance of a new  
21 guidance, will it be subject to the good guidance  
22 practices?

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1 UNIDENTIFIED FEMALE: That's a good question and  
2 we'll think about it. We'll determine whether, in fact,  
3 that's the case. Because at this time, it's really just  
4 updating it to bring it current with current practices  
5 and processes.

6 MS. SPAGNOLI: Because I think you can't not  
7 think of it as a guidance document I think.

8 UNIDENTIFIED FEMALE: It is essentially a  
9 guidance document.

10 MR. JONES: It's a compilation of existing  
11 guidance. So, the question is, if you're -- you're not  
12 changing anything, you're just actually bringing the most  
13 current to bare, you wouldn't need it anyway.

14 UNIDENTIFIED FEMALE: Okay.

15 UNIDENTIFIED MALE: We'll linking current  
16 documents that are already out there, making sure that  
17 when we talk about doing a confidential statement of  
18 formula, here's where it is, so you know where it is and  
19 can understand how it's built in.

20 MR. JONES: That's it. I understand that we  
21 don't have any public commentators this afternoon. Oh,  
22 we do. We don't have any signed up, excuse me. If

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1 someone wants to make a comment, if you could come to the  
2 microphone, introduce yourself, and let us know who you  
3 represent.

4 MR. THRIFT: My name is Jim Thrift. I am with  
5 the Agricultural Retailers Association. I also sit on  
6 the work group for the Spray Drift Work Group for the  
7 PDPDC. My comments are directed directly at those  
8 comments that were delivered earlier this morning, but  
9 obviously, I had to do other things, so I didn't sign up.

10 With full respect to Dr. Fry and his comments  
11 earlier this morning on current technologies not being  
12 used by the application industry and that the DRT Program  
13 does not address chemical drift retardants, the ARA and  
14 myself strongly disagree.

15 We do agree, however, with the comments made by  
16 Jay Vroom a little earlier that applicators have been  
17 incorporating the newest technologies over a long period  
18 of time, including drift retardant materials and  
19 precision methods submitted by Dr. Fry that weren't being  
20 used, that are being used.

21 Also, we feel that Dr. Fry was not present on  
22 Tuesday morning when Scott Torres (phonetic) made his

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1 presentation and stated that over 70 percent of all  
2 aerial applications of pesticides contain drift retardant  
3 materials.

4           We do not want to leave this committee with the  
5 impression that there are technologies that are state-of-  
6 the-art that are not being used to any extent at all.  
7 ARA members represent primarily ground applicators which  
8 apply 40 percent 50 percent of all the pesticides applied  
9 in the United States. A majority of those pesticides  
10 applications are made with state-of-the-art technologies  
11 and drift retardant materials often at the cost of the  
12 retailer making the application because the end user will  
13 not pay for risk management materials. We believe that  
14 is an excellent sign of solid stewardship.

15           ARA and ground applicators are very involved  
16 with the DRT Program. It has been talked about some this  
17 morning earlier. We believe some of the comments were  
18 unfair to that program. ARA believes that the DRT  
19 Program can provide us a possible model for drift  
20 reduction technologies, but the program is so new and the  
21 initiative has not had time to have full discussion and  
22 implementation. In reality, I submit to the committee,

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1 the DRT Program has only had one meeting. And ARA and  
2 ground applicators as well as aerial applicators are very  
3 interested in that.

4 Hydrostatic, electrostatic sprayers and  
5 combinations, hoods, and so forth will all be fully  
6 analyzed, but we don't want people to leave this room  
7 with the impression that the technology has not been  
8 fully developed or is not being evaluated.

9 Concerning applicator education, ARA supports  
10 areas of training, testing and certification rather than  
11 training by citation, which was submitted this morning  
12 into the record. We believe that that is an option that  
13 should not be a priority. It appeared as though that the  
14 committee was having a little struggle with the issue of  
15 training. We believe that label language alone will not  
16 answer the question of drift mitigation, that whatever  
17 system it takes between agencies, with the support of  
18 non-government organizations, should be there to assist  
19 the agencies in getting funding and direction to those  
20 authorities that have training.

21 The best pieces of technology and equipment, the  
22 best labeling are only as good as the applicator. And

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1 since we represent nearly 50 percent of all the  
2 applications, it should carry some weight that we are  
3 supportive of more training and testing than there is  
4 now.

5           Actually, the only required testing now is for  
6 restricted use of materials which I believe make up about  
7 10 percent 15 percent of the total. So, you have a vast  
8 majority of applicators that may or may not have adequate  
9 training. And we think that is very important, and it  
10 was personally disturbing to me that it seemed a  
11 frustrating situation, not that we're laying blame on  
12 anyone, between agencies, that there seemed to be no good  
13 solid system for either getting dollars or direction to  
14 land grant colleges for more training for applicators.

15           Thank you very much.

16           MR. JONES: Thank you. Okay.

17           DR. FRY: Could I correct the record just one --

18           MR. JONES: Well, Michael, you are on the record  
19 and I think that that -- this morning in terms of --

20           DR. FRY: I did not say that these technologies  
21 were not being used. I said that the descriptions of the  
22 technologies were not presented to the Spray Drift

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1 Committee and the Committee could not make informed  
2 decision based on the information that we got. That's  
3 all.

4 MR. JONES: I understand. And that's one of the  
5 reasons why we have a transcript is because -- that's  
6 what I meant, you are on the record and your statements  
7 are captured accurately and will be reflected as will Jim  
8 Thrift's comments.

9 Okay. So, I think we have finished up for  
10 today. Bob, I think it was your idea that -- it was a  
11 good one. That's why we did it. That we spend more time  
12 in work groups before the meeting and less time as a  
13 group, as a committee as a whole. I think, personally,  
14 that it went quite well, although I'm sure it's very  
15 taxing on all of you who participated in the Tuesday and  
16 Wednesday meetings.

17 Perhaps, we'll use electronic means as opposed  
18 to right now, as I think most of you are probably as  
19 exhausted as I am, to debate whether or not for our next  
20 meeting we ought to use that model, or revert back to the  
21 model that we had previously where we spent about a day  
22 and a half or two days as the full committee and less

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1 time in these breakouts.

2 My observation -- of course, as someone who  
3 didn't have to participate in the two days -- was that it  
4 was effective. But we'll engage in some electronic means  
5 to poll you as to whether you think this model of meeting  
6 was more effective or should we use another model.

7 We got a lot of feedback, not only today, but  
8 Wednesday and Tuesday, and the EPA, the Central Team will  
9 be meeting internally in the coming weeks to sort through  
10 all of that. So, as usual, I'm not going to be able to  
11 speak to everything we heard over the last three days.  
12 But there were some issues that were raised where, you  
13 know, just sort of a quick sort of reflection in talking  
14 with some of my colleagues, I am able to speak to.  
15 So, I want to cover a couple of the things that we heard  
16 today and how we're going to follow up on them.

17 The first has to do with ensuring that there's  
18 transparency around how we follow up on the pilot, as it  
19 relates to impaired water bodies, and we are going to  
20 figure out a way to have transparency around that. And  
21 we'll share what this committee how we plan on doing  
22 that.

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1           The second thing I heard that I'm ready to  
2 commit to relates to nanotechnology, that this group  
3 really would like to hear from the agency, at least the  
4 pesticide part of the agency, what are -- where are we,  
5 what are we doing, what are we thinking about, and we  
6 will commit to do that. I'm not sure we're going to be  
7 ready at the next meeting, but that is something that we  
8 will prospectively put on a PPDC agenda.

9           I'll talk about the -- well, maybe I'll skip  
10 what I'm hearing some of the work group next steps are  
11 and continue on with some of the more narrower issues.

12           I've privately apologized to Lori) for my  
13 outburst this morning. I want to publicly apologize for  
14 jumping all over her on the issues of pesticide safety  
15 training, and thank her for provoking me to think about a  
16 solution as opposed to just whining to all of you. I'm  
17 tired of talking about this.

18           (Laughter).

19           MR. JONES: What I would propose to do --  
20 although, I will repeat my observation that the issue  
21 about adequate funding for pesticide safety training is  
22 an issue for more than just the Environmental Protection

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1 Agency. It's an issue that has to involve a large group  
2 of stakeholders, the state people, both the land grants,  
3 the pesticide safety trainers, the pesticide state lead  
4 agencies, it has to include the users, it has to include  
5 the industry, multiple manufacturers in the industry. It  
6 has to include EPA, it has to include USDA.

7           So, I would propose to be willing to convene  
8 outside of this context -- outside of the PPDC -- some  
9 facilitated forum for getting those parties together to  
10 try to see if we can come to some agreement around how  
11 should the private-public funding occur as it relates to  
12 safety training, and see if we can come up with some kind  
13 of a consensus and then figure out how to see that  
14 implemented.

15           I think that it is an important issue, I just  
16 don't think that this is the forum necessary to resolve  
17 it. I think we need a different forum that includes all  
18 of the potential parties who are -- who will be party to  
19 the solution.

20           Lori, did you want to respond to that?

21           MS. BERGER: Yeah. That's really what I was  
22 trying to point out this morning. And we have been

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1 through the funding thing here and I just -- I appreciate  
2 that and I accept your apology.

3 MR. JONES: Thank you.

4 (Laughter).

5 MR. JONES: Okay, Amy, did you want to respond  
6 to that?

7 AMY: I just had a quick sort of process thing  
8 as we're talking about working in this new sort of work  
9 group format, which I actually like, and thank you for  
10 making that suggestion. I think it's a really good  
11 model.

12 But there's a lot of new members on the PPDC,  
13 and I would love to see if some of the EPA staff would,  
14 you know, go over the subcommittees, you know, ask for  
15 their involvement, encourage their involvement, because  
16 if we're going to be sort of doing a lot of work here, I  
17 want to make sure that the new members are not left out.

18 MR. JONES: That's a good point. Thank you. We  
19 will endeavor to do that.

20 Okay, where was I? Okay, let me talk about some  
21 of what I'm hearing -- what I'm pretty sure we're ready  
22 to commit to as it relates to follow-up on the work

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1 groups. The Spray Drift Work Group is going to meet in  
2 September and begin to focus on the case study, and they  
3 seem to be pretty ready to do that.

4           The Performance Management Work Group -- this  
5 one's a little trickier -- because of the time frame that  
6 the agency has for closing on the strategic plan, I'm  
7 very hopeful that the subcommittee, with our help -- with  
8 Sherry's help -- can finalize their report. That we'll  
9 do an electronic review of the full PPDC, and hopefully,  
10 we'll be able to get some formal PPDC recommendation  
11 around that, before the agency's comment period closes on  
12 the strategic plan. That will allow your input to come  
13 directly in to that process through us.

14           Again, I want to remind all of you that you  
15 should individually take the opportunity to comment on  
16 that strategic plan as well.

17           We adopted the recommendations of the label work  
18 group, given consideration to some of the comments that  
19 were being made by members of the PPDC during their  
20 presentation.

21           Although people were quite -- there were some  
22 people -- there are some members of the PPDC who were

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1 anxious about the pace of the worker protection rule-  
2 making work group. We are going to try to try to follow  
3 the schedule that Kevin gave and I think what we need to  
4 do is sort of take it one step at a time. We're going to  
5 have that first set of issue papers in August, and we'll  
6 see whether or not we can get adequate engagement before  
7 we move on to the next one. So, I think it's premature  
8 to say, oh, you're right, we're going too quickly, but  
9 we'll let this play out a little bit. And I think that  
10 by the time we get back together again, we'll have a  
11 clearer picture as to whether or not we are being too  
12 ambitious in our schedule.

13           There looks like there will be at least, two,  
14 maybe three of those separate meetings around the sets of  
15 issues before we reconvene. So, I think we'll be a  
16 little bit better informed around that.

17           And the Process Improvement Work Group will  
18 continue to work according to the schedule that you all  
19 provided us.

20           Did I miss anything? Marty?

21           MS. MONELL: Just one thing. We have a  
22 listserv, PPDC listserv, and so we will provide the

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1 opportunity to comment on the labeling issues that you  
2 raised, Bob. So, there is a vehicle already in place and  
3 we'll use that.

4 MR. JONES: Again, this does not, by any means,  
5 constitute a comprehensive list of all the advice we've  
6 gotten over the last three days. Much of it, we need to  
7 spend some time internally chewing over and we will get  
8 back to you, largely through the work group process that  
9 we've got set up.

10 Finally, I wanted to of course, thank Margie,  
11 who these kind meetings can never occur without Margie's  
12 help. Thank you, Margie.

13 (Applause.)

14 MR. JONES: And we have a new summer intern with  
15 us here this summer. I don't know if anyone was able to  
16 -- (inaudible) Sarah Kasanawa (phonetic), who managed the  
17 overheads all day and she did a great job with that.

18 And of course, our very own (inaudible), where  
19 did (inaudible) go? Oh, where is she?

20 (Applause.)

21 MR. JONES: She's -- these meetings could never  
22 occur without the help individuals like that.

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1           Tentatively, because I know you all like to --  
2 and need to get onto your schedule meetings, the next  
3 meeting very, tentatively right now, for October 11 and  
4 12 which is pretty soon. That's why I'm being so  
5 tentative about it. But if that is not going to work, we  
6 will let you know shortly, so that you do have at least  
7 four months to get it onto your calendars.

8           So, with that, I want to thank all of you for  
9 your service and for all the advice that you've given us  
10 over the last three days. And we are now adjourned.  
11 Thanks.

12                   **(The meeting was concluded.)**

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