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ENVIRONMENTAL PROTECTION AGENCY

PESTICIDE PROGRAM DIALOGUE COMMITTEE MEETING

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P R O C E E D I N G S

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MS. EDWARDS: Thank you very much for returning on time this morning. I would like to get started pretty quickly here so we can have a full three-hour session with a lot of good input from all of you. One thing I would like to request before we get started is that those of you who are on the phone today, if you would please mute your phone until the point at which you would like to speak and then you, of course, need to unmute your phone or we won't be able to hear you.

So, our first session today is Session 7, which is a PPDC workgroup, a report on comparative safety statements, with our session chair, Marty Monnell.

MS. MONELL: Good morning, everyone. As you hopefully remember, this work group was charged with delving into the feasibility of allowing comparative safety statements or logos on pesticide product labels. Heretofore, we have not permitted statements regarding greenness or safety or the use of logos, except in a certain, very limited circumstance.

So, there was a sense of this committee that

yes, this really should be pursued given the interest in consumers and getting some information on products that they may be making decisions about for purchasing. We've approached this whole endeavor sort of with a three-legged stool in mind; that is, the interest of the consumer and getting some information about the product that they're purchasing.

Obviously, the registrants are interested in a marketing edge, so to speak, by allowing these statements to be on their labels to help the consumers. But probably, most importantly, from our perspective is that we, EPA, have a statutory obligation to make sure that anything that we do is not deceptive and it protects human health and the environment. So, balancing all of those three interests is sort of the umbrella under which we have pursued our discussions.

Last October, we reported out that the work group had begun its deliberation, that we had had a threshold meeting where we had presentations from a number of other groups that do reviews or permit statements regarding greenness or energy efficiency or organic status. So, everybody was operating sort of on a

level playing field in terms of having an appreciation for what is already going on out there.

Since then, we've had several more meetings, including meetings of subgroups as our work groupers want to do. Initially, we were sort of fumbling because we have a very large subgroup with a lot of different interests. So, we broke out into three subgroups. One was looking at the possibility of developing a system regarding statements around or the use of a logo around institutional and industrial pesticide products.

Another group looked into a framework for allowing factual statements on pesticide products. In other words, this is made out of natural ingredients or the container is all recycled materials, and so forth.

Then, the third group looked into the feasibility of developing a decision tree so that whatever we pursued, we would have a flow chart of, you know, if this, then we go to the next step; if not, then it's a non-starter.

So, then we met again and heard all of the recommendations from those three subgroups. We ultimately decided that two projects were worthy of

further pursuit and then we would use a decision tree -- the process that was developed by the decision tree group to help us flow the work from these two endeavors.

So, you're going to hear this morning about two proposals that we as a work group would like to put forth and would like some feedback on running a pilot. The first one that you're going to hear about this morning will be a pilot that would involve using our sister organizations designed for the environment program to take a look at -- this would be voluntary -- take a look at initially some probably antimicrobial products -- but I'll let them talk about their deliberations on this -- and to see if indeed they would pass the design for the environment screen and thus be eligible for a logo to be permitted on a pesticide product label. So, that's one approach, one pilot that we've discussed.

The other would involve the use of factual statements. That involves permitting certain statements to be on pesticide labels with regard to not only the product itself, but the packaging of that product. We've done a lot of work on that. In both instances, there's more work to be done. We acknowledge the fact that there

are some implementation issues to be addressed. But we feel that they're both ripe enough to recommend to this group that we do a pilot.

So, I'll turn it over to Michael and Clive.

MICHAEL: Thank you, Marty.

Briefly, when the first work group got together, it was a discussion as to whether or not we should have external or third party certification and logos appearing on these products or whether or not we ought to do something that was more owned by EPA.

We would refer to Energy Star, for example, and the design from the environment program as examples of EPA-run logo certification programs that seem to fit the needs of the folks in the room. So, we were asked to focus on an internal logo as opposed to an external third-party certification. So, hence, the work group or subgroup was formed on the DfE logo for different sectors.

We're going to go over the background, the previous products that may have been reviewed already by the Design for the Environment Group. The issues that arose, the draft facts to consider, and the next step.

Now, currently, products that make cleaning claims are permitted to apply for the design for the environment logo once they've completed their review. Most of the antimocrobial hard, nonporous surface disinfectants, those labels contain uses as pesticides and as cleaners. So, in theory right now, you can have an antimicrobial disinfectant that has disinfection claims, sanitization claims, and cleaning claims. If they were to remove all the claims except for the cleaning and go over to DfE (audio problems).

So, OPP and the Design for the Environment Group agreed to work together to determine the feasibility of allowing products that have passed the DfE review to submit a label amendment to OPP in order to place the logo on pesticide products.

So, the previous products -- the Design for the Environment Group sent over three products that they felt may have dual use as disinfectants, although they passed the DfE screen as cleaning products. OPP, in turn, sent eight products over to the Design for the Environment Group for review.

The products that we forwarded -- is it picking

up in the back -- so, what we wound up doing was sent eight products over to the Design for the Environment Group for review. We decided we would try to (audio problems).

The products that we forwarded contained different active ingredients (audio problems) at two percent with acute tox 3, the same chemical X at eight percent was acute tox 1. So, we sent it over to see if it was going to make a distinction with their review, depending on the AI and the acute tox classification.

The products also involved different use sites. Some of the issues that arose was that OPP staff were required to complete the TOSCA (phonetic) CBI training before the Design for the Environment staff can provide any records and do a cross sharing.

Similarly, the Design for the Environment staff were required to complete FIFRA CBI training before we could provide any records to them. So, we had to take a pause and everyone had to get trained on both sides of the house here so that we could share our records.

The OPP expanded participation to include the Registration Division, the Biopesticide Solution

Provision Division, the Field and External Affairs Division, and the Health Effects Division. Other issues were that there was a question as to whether or not we need to include the Environmental Fate and Effects Division and whether or not we needed -- the new work group members had to be brought up to speed.

So, there was some time, because we had been doing this since the fall of 2008. Here we were with new work group members who we had to bring up to speed in terms of where we were thinking and what the direction and the goals were.

We realized that we needed some draft facts or criteria to consider when we did our review. So, we thought, you know, maybe if something went through a DfE review and it came over to OPP, what do we want to make sure did not receive a logo? We didn't want it to be false and misleading. We didn't want folks to think that a logo was potentially a safety claim. So, what could we do up front. We didn't want to make the situation more confusing in the marketplace.

So, first of all, no carcinogens. Secondly, no acute tox 1 or 2 products. We thought that if you have

to wear goggles and a face shield, you ought not have a Design for the Environment logo on your product. So, if you've got PPE issues, we didn't feel that those products warranted this pilot.

You should not have any unresolved 6A2 issues out there. So, if you've got 6A2, and this would really echo around efficacy, then we don't want you to even apply for this particular pilot.

No unresolved efficacy failures. If you had an efficacy failure related to some state testing or post-registration testing through the antimicrobial testing program, you need to have that resolved before you come in and apply for this pilot. The issue came up that we did not want individuals to formulate down in order to receive the DfE logo at the expense of compromising efficacy in, say, a hospital setting. So, no unresolved efficacy issues.

No current enforcement actions. If you're currently under a stop fail or dealing with the Office of Enforcement and Compliance Assurance on an issue, you should not be applying for this pilot.

Also, only OPP approved statements could be

made regarding the logo. We sat down and thought about many different ways the marketing folks could have at it when they got a DfE logo on a pesticide label. So, we were asked, you know, maybe you don't want to be prescriptive in a list of claims. And we thought, well, because of the pilot, perhaps that's exactly what we want to do. We want to maybe list four, five, six, whatever number we come up with, claims that can appear in conjunction with the awarding of this logo so that we could control a little bit more and then find out whether or not we need to expand that list of claims.

We also said that no products with unapproved inerts should be able to receive this logo. For folks who aren't aware of the DfE program, they do a comparison of each active ingredient, whereas we're looking at the entire formulation. So, if it's an unapproved inert, we want that to be cleared and approved before you start this process.

No outstanding conditional registration data issues. If you received an accepted with comments or conditional registration and you still owe us data, you need to get that data in here before you actually can

apply for this pilot.

No personal protective equipment should be required on that product in order to get this logo awarded.

This next issue came up as a discussion -- cross discussion with the factual statement group -- and that is the term biodegradable is bandied about. If you want to use the term biodegradable, the question came up, well, then, maybe you ought to disclose all your inerts on your label, not just say we're biodegradable, but list exactly what inert ingredients are in your formulation that yield the determination that you are in fact biodegradable. That would help the consumer decide whether or not he or she wanted to purchase that product.

Continuing, no developmental tox issues. The complete product formulation would be reviewed, individual components by DfE and the final formulation by the Office of Pesticide Programs.

The next steps, OPP and DfE will review a second round of products. We're also looking to refine the factors to consider. And we're going to continue to seek advice from the PPDC on the merits of the pilot.

So, for now, we have sent a second round of products over. When the good folks at DfE are finished with their evaluation, we will sit back down with OPP scientists and regulatory staff to make sure that what they think over in DfE would warrant a logo our science and regulatory staff would also be in agreement with. So, it would not be any issue in terms of us saying yes or they're saying no or they're saying yes and our saying no.

Did you want to have questions now or go onto the implementation?

What Marty is referring to is that Clive is going to be talking about the implementation of a DfE logo pilot. So, we just loaded that up on the screen for you.

We started discussions about how would you implement a pilot in the first place. So, we're going to quickly go over the scope and duration of the pilot, the application process, and conditions of labeling. Now, these are all ideas that the subgroup came up with. Once again, we're still waiting for feedback from the PPDC on whether or not this idea has merit.

Scope and duration, the pilot would be opened

to all indoor hard nonporous surface products that do not have outstanding FIFRA 6A2 issues or efficacy failures and the other criteria that we discussed a minute ago. The pilot would run for one year. If, at any time, the agency determines not to continue the pilot, no new production of labeling would be permitted that bore the DfE logo for the pesticide product in question. The agency would permit the limited sale and distribution of products already in the channels of trade.

Now, what about the process? Registrants will contact the Design for the Environment Group and complete their process to obtain DfE certification. There are data requirements that have to be submitted and reviewed by contractors that work for DfE before you can actually get their logo.

Upon receipt of a DfE certification, you would then submit a pre-amendment to the corresponding regulatory division within OPP. Quick pause right there. It was discussed whether or not there should be a notification, whether or not it should be considered a fast track amendment, or would it be a PRIA amendment.

Well, there were varying opinions but the

overall consensus was that at least for the pilot, we want to see some information being submitted. We're going to have to review some of that information and we're going to have to sit down with the science and regulatory staff and work through the issues, if any, that we might come up with DfE and OPP.

So, we thought that we did not want to make that a notification because it can't be done in that time frame. Also, there was concern that depending on which division you're applying for, the fast track amendment process has different time frames. So, the PRIA process had a more reliable time frame in which we could operate. So, you could feel relatively assured that you would get a response by X date. So, we thought a PRIA submission for an amendment would be adequate.

Clearly indicate on the cover page of a submission that the actions related to voluntary DfE pilot so as to not to be confused with other amendments.

Include five copies of a draft labeling that include the DfE logo and the acceptable marketing claims as defined by OPP. That would be a descriptive list yet forthcoming.

The registrant also would include a certification statement that makes reference to the voluntary pilot and agrees with the provisions thereof. OPP will review the acute tox classification of the product. OPP will review the formulation to insure that the active ingredients are not deemed chemicals of concern. OPP would evaluate the marketing claims to make sure that the claims that you're listing are in fact those that we've already agreed upon. And the process must be completed each time the formulation changes.

I know in the antimicrobial industry, it is not uncommon to have one basic and 30 alternate formulations. Well, that means that each one of your formulations would have to go through the Design for the Environment Group in order to receive that logo or you'd have to have a separate registration with just that product on formulation being reviewed.

Now, Clive is going to go over the steps to obtain a DfE logo for a currently registered product. Now, on your handout, the area in pink is going to be in white so you're not going to be able to see that clearly. We put it in pink for the overhead. So, look at the

screen if you're having difficulty viewing the area in pink.

MR. DAVIES: Thanks, Michael.

So, just a little bit of an introduction on the Design for the Environment Program I think might be useful for folks. We are a voluntary program that is part of the Office of Pollution Prevention and Toxics which is the sister office of the pesticides office. The OPPT, this office is the office (inaudible) and is responsible for regulating new and existing chemicals.

What the Design for the Environment Program does is that we look at or really we use the technical tools and expertise of OPPT to look at products and actually allow use of our logo on the products that are safer in a given category of use.

Now, we don't just take a product and look at that product as a whole. We break that product down into the functional classes of ingredients that the product is made up of, so that if we're talking about a safer product, we think about that product in terms of the surfactant, the solvent, the keylator (phonetic), the colorants, the fragrance that are in that product. We

make sure that each of those ingredients is from among the safest ingredient that's available for use in that functional class.

Once we allow use of our logo on a product or as part of that process, we ask the product manufacturer to sign a partnership agreement with us that specifies how the product will be formulated and any things that can be done in terms of continuing improvement, research, and so forth by that company, and then that agreement lasts for three years. At the end of that three-year period, we get back together with the company and examine any improvements in the state of green chemistry and so forth, and are there ways that that product could be improved.

We just recognized our thousandth product a couple months ago, so there is a substantial number of products out there on the market with our recognition. A very important part, we believe, of what we do is as we move our program forward, we have a multi-stakeholder engagement to think about where we're going, what we're doing, what are the safe levels that we consider to be reasonable to be allowed in products. So, NGOs, product

manufacturers, chemical manufacturers, retailers these days are all very important parts of the folks that we talk with.

Now, this flow chart, if you can take a look -- I hope you can read what it says here -- but basically, this is the way that someone can come into our program. What the applicant does here in this brown box, if they want to come in and work with the DfE program, they submit all of their ingredients to a qualified third party.

We actually leverage our programs through third parties that we have qualified with chemical and toxicological ability to look at formulations and help us by preparing a packet of information that looks at the ingredients, the data that’s available on those ingredients, where data is not available on those ingredients, any structural activity relationship work that’s needed to better understand those ingredients and project their toxicology so that we’re sure that what is coming into our program are really the safest ingredients.

Then, there’s a loop back with the applicant

from that third party. They ask, okay, third party, this is what we've come up with. Do you want us to go to DfE now or would you like to potentially make some changes in your formulation? So, then you go to the green boxes. Those green boxes are DfE. This is where DfE would do a quality assurance on what the qualified third party had done in terms of preparing data and then make a decision about whether we would allow the logo on the product. Of course, this so far is all for non-pesticide labeled products.

So, at the end of all that, we make a determination about use of the logo and either sign a partnership agreement with the manufacturer that would allow use of the logo or we ask that additional changes be made to the formulation.

Now, if we were to move forward in implementing a pilot for pesticide labeled products, you see the light blue box on the right-hand side here. What would happen there is that once the DfE process was complete and once DfE was okay, then there would be a loop with the pesticides program for registration or amendment of existing registration. At the end of all of that, there

might be a partnership agreement with DfE, with OPP, that would allow use of the label.

MICHAEL: Finally, conditions of labeling. We were trying to figure out exactly what kind of provisions would we have on a pilot in terms of labeling. We thought that no reference made in the marketing of this product involving terms that violate 40 CFR 156.10(a)(5), the false and misleading, the comparison statements, things of that nature. No comparisons with other registered products. Citation only of the DfE website for pesticides, which is something we thought ought to be created.

If you were to go out and look at the current DfE website, there may be some terms about the DfE logo that we may find in violation of some of the FIFRA (inaudible). So, we may have to consider creating our own website that's DfE for pesticides. ADOPP will provide the only marketing statements permitted under the pilot.

At any time a marketing violation occurs under this pilot, the registrant would immediately issue a voluntary recall of the volatile products or be found in

violation of FIFRA Section 12(a)(1)(B) and 12(A)(1)(E).

The Antimicrobials Division, the idea of the pilot was that we heard a lot of concern from the antimicrobial industry in terms of the INI folks that they'd like to see something started with a pilot there. So, we thought that we would look at the hard, nonporous surface indoor products first, realizing that there may be some folks in both the Biopesticides Division and the Registration Division that also want to play in the pilot. But the focus would be on internal antimicrobial products first.

UNIDENTIFIED FEMALE: Would you say that again?

MICHAEL: There was a question as to whether or not this pilot ought to be expanded already to our division. By definition of a pilot, we were advised that you couldn't exclude folks who actually wanted to participate, but the focus was for indoor, hard, nonporous surface disinfectant, which are your antimicrobial products.

So, if somebody from the Registration Division wanted to get involved in this pilot or somebody from the Biopesticides Division, they would not be excluded and

their application would be considered on the merits.

UNIDENTIFIED FEMALE: (Inaudible).

UNIDENTIFIED MALE: A registrant, yes, yes.

MS. EDWARDS: Thank you, Michael.

Well, I was going to wait until after the second group presented, but one of the -- Pat Quinn is delayed. So, I think at this point what I'd like to do is ask the PPDC a question, around which I'd like some comments and any questions.

That is, what is your reaction -- are you comfortable with the work groups' recommendation that we proceed with this pilot to allow the use of a DfE logo on pesticide product labels, as described, in a pilot fashion, understanding that there are still some implementation issues to be ironed out, not the least of which is the decision on what do we want the actual outcomes to be? What's the desired outcome of this pilot, this particular pilot? How do we evaluate it at the end of the pilot?

So, I'll entertain questions/comments at this point. I'll start this time clockwise. Daniel? Just indicate which panel member you might want to have a

question from.

DANIEL: (Audio trouble) -- secular trend in a functional class as part of -- toward greater and greater safety. Do the bars get raised for labels over time?

UNIDENTIFIED MALE: Yes. We consider ourselves to be a green chemistry program. A very important part of what we do is allow limited time for recognition of products. At the end of the three-year partnership agreement, we would get back with the company and talk about improvements in green chemistry and require improvements to the products.

UNIDENTIFIED MALE: Another sort of question generally (inaudible) which seems to make sense for this particular group of nonporous surface disinfectants. Going forward with the pilot, are you doing so without a firm commitment to -- if this works for this class of products, to expand to all pesticide products? I mean, at this stage, you're not (inaudible) pilot as an evaluation -- a program that would, if successful, be expanded universally, are you?

UNIDENTIFIED FEMALE: Actually, we've been advised by counsel that we could not exclude other kinds

of products from participation in this pilot. So, the underlying assumption would be if it works for antimicrobial products, then we would consider expanding it to other types of products.

UNIDENTIFIED MALE: So, in that vain, it strikes me that the criteria that you've set for the kinds of products that could be included -- that registrants could apply for for the pilot, they're not sufficient to address criteria for I think a more complex set of products whose uses are a little less predictable, nuanced in the field. So, in terms of answering your question, do I think this is a good idea, I'm worried about broader applicability to other pesticide products after this pilot.

UNIDENTIFIED MALE: At this stage of the game, they are still draft factors to consider. We realize that one size will not fit all. So, there may be a different set of criteria for those antimicrobial products, a separate set of criteria for the products on the provincial side of the house, and perhaps a third set of criteria for the biopesticides side of the house. But we haven't got to that level yet, which is why we're

still looking to reevaluate and tweak the factors to consider. But, you're absolutely right.

UNIDENTIFIED FEMALE: So, basically you're saying, just to follow on with that, that these factors that you had listed here, you developed these for the most part right now for hard surface disinfectants. So, before you would open this pilot up to any other class of products, all of this would be reviewed.

UNIDENTIFIED MALE: Yes.

UNIDENTIFIED FEMALE: And how are you going to create the standards that would apply to different classes of products, then, because it is a highly complex issue? Even just the list of what you've got here for just one class, disinfectants, how would you -- how would a consumer ever understand what all of those different factors were before you just had a logo on a package?

I guess part of it is, where's the education part of this? I know we've talked about it in the work group. But, as a member of the work group, some of the stuff that you've presented here today we haven't discussed in the work group yet. I know you guys have done a lot of work going into this and bringing this to

the table today, but we haven't had a chance to talk through all of these other factors to some degree that you're bringing up right now.

So, I think still part of it is, where's the educational component, even for a pilot project? What happens as a result of the pilot project? Does somebody get to put the logo on their label?

UNIDENTIFIED MALE: Several questions all in there, so I'll try to knock some of them off one at a time. Firstly, the factors to consider for the hard surface disinfectants are not finalized. A lot of work went into getting to where we are now with those factors. So, that involved many meetings with DfE and the pesticide staff.

That involved bringing more players to the table to make sure that everybody in the Office of Pesticides was okay with the factors as developed. So, that took a few months, and we're not done yet. So, that would have to take place for each sector, if you will, or class of products that would undergo the DfE review and then come over for pesticides.

Clive, I think, in previous meetings have

talked about their sector approach to how they actually segregate the products in order to determine which ones are greener for chemistry purposes, and safer. We haven't done that yet. So, there's going to have to be a process in which you sit down and talk about exactly what a pesticide cluster or sector look like for this DfE logo.

Then, the education component, what does it mean? Part of the evaluation criteria that had been discussed before was, you know, what are you trying to do and are you going to influence the behavior of consumers by having that logo on a product? So, some of the subgroup members thought maybe we need to sit down and do some market research before you put the logo on and find out what people's patterns of behaviors are.

Then, during or subsequent to the pilot, do another survey and find out if their behaviors were changed or altered because they saw a logo on a product? Do they think that it was safer? Do they think it was better? Did they not buy other products because they did not bear that logo?

So, we have not flushed that out. It's on a

to-do list.

UNIDENTIFIED FEMALE: (Inaudible).

UNIDENTIFIED MALE: Well, what we generally do in this regard -- I think there were a number of questions packed in and I think there is this idea that you have to responsibly enter each sector with a good understanding of the chemistries that can be used and the alternatives that are available and being able to define the red through the greener end of the spectrum so that you are allowing the safer end in products that would bear a label so that you have a basis for what you would educate on and a good understanding -- a good broadly understood and easily communicated approach.

In terms of communication, we take an approach where we rely heavily on our partners to do communication with us, the partners who label products. And we ask them to do outreach associated with those products to make information available on their web site since it sends folks back to our web sites as appropriate.

We also do outreach and education with the retailers who make information about our program more broadly available.

MS. EDWARDS: Matt.

MATT: My first question was along the same lines, and I think I just need a little more clarity. How well do you understand the influence of the DfE label on consumers in terms of their decisionmaking? What does that actually mean to the -- not to the very well educated consumer, necessarily, but, in fact, a consumer who might look at a label and say, oh, well, this is safe, this is great, I can use this. What exactly is the impact and how well do you understand that?

Then, the second thing I would ask is, what promises are actually made by the DfE label? What literally does that constitute in terms of promises to the product manufacturer? How are you guaranteeing the safety of this product in any way? Are there repercussions for EPA if, in fact, something unforeseen happens down the road?

UNIDENTIFIED MALE: Well, first of all, in terms of the significance of carrying the DfE logo on a product, what we ask is that when a manufacturer puts the logo on the product, they also put a statement on the product that says that the product is recognized for

safer chemistry. That is what we recognize the product for. We don't recognize it for qualities beyond being made up of a safer set of chemicals. So, that's the claim and that's what then is looked at on manufacturer's web sites and on our web site to further explain what the product means.

In terms of our level of understanding of the impact of the product, we have not -- we, EPA, DfE -- have not conducted independent market studies to understand as EPA exactly what consumers will take from the logo. However, a substantial number of our partners have done consumer focus groups and we've, being party to those, seen the results and so forth.

Consumers take from the logo that the product is safer, and they seem to understand the relationship between the tag line that said safer chemistry and that that is really what that logo is about. Also, the DfE logo with EPA on it communicates well to folks and is something that they have felt is trustworthy in their view, just in terms of a quick reaction from consumers, the kind of people who would pick a product up off a shelf.

(Audio problems.)

UNIDENTIFIED MALE: Then it would be very important to know what the points of evaluation are going to be and what is the purpose of the pilot. If, ultimately, there can be an expansion to other types of pesticides, then not knowing much more about it, I would think that the criteria for the pilot should include a range of products, not just those that you're talking about right now.

Also, just a weigh in from state-lead agency perspective, because our primary view of the label is as a tool for enforcement and for understanding and instructions to users, we're very circumspect about adding materials to the label that are not directly associated with that purpose. We worry about clutter of labels.

There's some discussion earlier -- Michael, I think you mentioned that there would be some statements that the antimicrobial division would need to -- only their approved statements relating to the marketing claims for logos would be included. I know there's going to be a discussion about that later on, but I think it

would be very important if you actually do this pilot and put products out in the market.

I'm wondering if this might be one where a virtual pilot would be more appropriate. If you do that, you're going to need to do a real lot of lifting with the state-lead agencies to explain to them what the review process is for these logos, what statements are acceptable, and, you know, get us up to speed so that there's not going to be confusion when states are reviewing these labels independently.

UNIDENTIFIED FEMALE: We recognize the potential impact of this, any kind of a pilot or program of this type on states. We've had two state representatives on the work group from New York and California -- I think at your recommendation, actually.

Janine, are you on the line?

JANINE: Yes, I am.

UNIDENTIFIED FEMALE: Okay. Do you want to make any comment about Dennis' observation?

JANINE: Well, yeah. We were speaking of that before and we do have a lot of concerns with the channels of trade and what's actually on the labels and consumers

just knowing what those logos mean. What Clive was just saying about the recognized for safer chemistry and that's what the logo means, that's a concern. That could be almost misleading.

So, I don't know -- it's very difficult for us to know where this is actually going to go until we see more, you know, progress. Ultimately, we're the ones that have to review the final labels to see how it looks in printed form and how it's presented and whether or not it's misleading and if people can actually read the label directions that they're supposed to read and it's not cluttered. So, that's a lot of our concerns.

UNIDENTIFIED FEMALE: One of the implementation issues that we obviously still need to address is the statements that would be permitted in conjunction with the DfE logo on a pesticide product. That has still not yet been totally fleshed out. That's what Michael was referring to when he said that AD would be developing those kind of acceptable statements. So, again, we acknowledge that there is still implementation issues that need to be addressed for sure. This discussion is very helpful.

I don't want to cut short the other presentation on the other potential pilot so can anybody -- would you mind holding the remaining questions?

Caroline, you're waving at me. Yes, okay.

UNIDENTIFIED FEMALE: (Audio problems) who may have other types of products not in a high (inaudible) product that would like (inaudible) what their thoughts are. That would be the most helpful (inaudible).

UNIDENTIFIED FEMALE: Okay. Do we have someone --

UNIDENTIFIED MALE: Thank you. As a registrant (audio problems). First of all, I apologize for being late to all of you. It's good to see so many familiar faces.

I think that one of the things that Marty did at the start of this process that was very helpful was she brought in the Energy Star program from the air office. The history of these programs that attempt to recognize technology leaders and environmentally preferable products and then put that logo -- in fact, in Energy Star's case, an EPA logo -- is given to whatever product performs in the top 10 or 15 percent of that

niche, they're able to demonstrate very persuasively that it drives consumer purchasing behavior, it drives technology advancement, and they're able to qualify an air program with some precision the kinds of pollutants and greenhouse gas savings that they've, you know, been able to accomplish through that kind of an effort. So, I mean, just a generic comment I wanted to offer that.

MS. EDWARDS: Michael.

MICHAEL: I'm very interested to know what the thousand products are now that carry this label, what the universe of those products is and how they are interpreted by the public in terms of, you know, environmentally friendly. Then, is it probable that consumers will look at these pesticide products with the same environmentally friendly attitude that they're looking at the others? Is there any tox classification for any of the thousand products now carrying this logo?

UNIDENTIFIED MALE: Thanks for the question. So, for the thousand products that we look at now, they are largely cleaning products. They are detergents, hard surface cleaners. We also have some other products in the mix, things like conversion coating for aircrafts and

alternatives to road salts and chemicals that you can use in truck tires instead of clip ons lead wheel weights. So, there's actually a broad array of products that we have allowed labeling for but with a distinct focus on cleaners and detergents.

We have not used the tox classifications that the pesticides program does. As a matter of fact, in investigating some of the products that we have allowed labeling for, we've seen some disconnects between the way that the pesticides program would look at and the way that we would look at them. But in terms of recognition, allowing use of the logo on pesticide products, we would have the most conservative view rule in both cases or in the case of that recognition.

In terms of what consumers see and understand, my understanding -- Pat's comment about the Energy Star program I think is an important one. The Energy Star program is a longer established program that has had resources to look into the effects of what their logo means. They have been able to show a correspondence between the placement of that logo on products and changes in consumer behavior and the consumer

understanding of and response to that logo.

We haven't been around that long, but we have been party to or been shown the results of focus groups and so forth that some of our partners who are manufacturers of commercial products have done both before and after they have labeled the product. So, they have a good understanding that there is a good communication from this logo and that the people see it and find that to be an indicator of something that would be better. I think we've seen movement in the marketplace recently that shows on the ground that this is the case.

The other thing that we've got here, I would like to point out, is folks like Wal Mart and Home Depot see DfE our program and the technical depth of our program as a positive metric for sustainability and are asking their suppliers who want to show an improved sustainability footprint to work with us to come up with safer products, which is, frankly, one of the most important reasons that we are up over 1,000 products right now.

We are at the place where we can document the

pounds of better chemicals that are used in the products that we've labeled. That's up on our web site and is in the hundreds of millions of pounds. We believe that that's an important thing, too.

So, I hear, understand and agree with the -- I think I've heard it at least three times of, you know, what the consumers think of this mark. We're not where we might be in an ideal world, but we do have a reasonable understanding of what it conveys.

UNIDENTIFIED FEMALE: I'm going to stop the questions right now. I have made a list of those with their cards up, so you'll go first once we hear the second presentation. You can ask questions of the first group as well as Pat and Michael Fry, who are the leads on our --

Michael, are you more comfortable staying there or would you like to come up? Good point.

As I indicated at the outset, we have a second pilot recommendation from the work group and this has to do with factual statements being allowed to be made on pesticide labels. Pat Quinn and Michael Fry are the co-leads on this report.

MR. QUINN: Thanks, Marty. So, I will get started. Michael and I have talked, at least just a bit, previously and so we hope to complement each other here.

Alongside the logo discussions, there's been a rather consistent interest on the part of particularly antimicrobial registrants but consumer product registrants in general in being able to say things that are factually demonstrable about the environmental characteristics of those products. So, this particular group, Marty gave it the very catchy name of limited factual statements and standards. That is really sort of where we started.

So, the charge to the subgroup I think was basically take a look at whether or not EPA could find a basis for an expanded use of these factual statements. Importantly, I think, the emphasis we were given is to draw upon existing standards, existing test methods and existing federal policy where available to base these kinds of statements upon.

I think also at the outset, we were reminded to keep two things in mind. One was that we were really going to design this with an eye toward avoiding consumer

misunderstanding. We're also going to try and design something that was not an overwhelming resource commitment for the agency to review but something which did preserve the integrity of the product review process.

So, we had a very diverse and I'm happy to say a very active stakeholder group that worked on this. We had EPA representatives, we had industry people, we had NGOs, we had both California and New York represented and within the agency quite a diverse participation from the general counsel's office, the compliance office, antimicrobial division -- Clive was quite active in the group -- and others as well. And I think as a measure of the level of engagement, we had virtually everybody participate in at least one of the three group conference calls.

So, we produced three sort of work products, and here they are. One is simply a discussion of the relevant statutory authority rules, label manual guidance. We thought it was prudent at the start to understand the four walls we're operating within so that we did not go beyond what the law and the regs allow us to do.

What I'm really going to focus on today is the second bullet, which are the potential principles the agency might base such a policy upon and representative examples. Then we also, quite fortunately, found that because these characteristics of products, because these terms have such wide currency, there are a lot of federal programs, a lot of standards, a lot of existing test methods to base this upon.

So, I won't spend a lot of time on this. I think everybody is familiar with this portion of FIFRA that prohibits any kind of a statement that is false or misleading. This one I've learned and forgotten because I'm getting too old. Back in 1996, many of us worked on the amendments to the act, which, from an antimicrobial perspective, really focused on trying to convince Congress that these products were somewhat different, that they had different use patterns, they presented different challenges, they ought to be treated a bit differently.

It turns out that when you look at the statute, there's a reference which is actually quite relevant to this, which deals specifically with antimicrobial

products and says you can say things about the product efficacy composition and container composition or other characteristics. Now, I will say that is qualified by the false and misleading prohibition, but it is rather specific. And then we looked at the regulations and the guidance, particularly PR Notice 9810, which is quite related to what we're doing here.

So, I'm going to focus on three areas which the subgroup talked about extensively as being areas where we might have a policy based upon these principles and some examples of what it might allow you to say. The first -- and, you know, forgive the murdering of the English language here -- nonpesticidal factual statements regarding product characteristics other than the pesticide are presumptively acceptable. So, you might say something about recycled content. You might say something about soy-based ink.

You might -- I don't know whether we have eco bottles on the table today but we should. You know, you'll see frequently now water bottles that say made with 33 percent less plastic than our previous bottle. So, that's really what we have in mind here, something

that really goes to the packaging, the container itself.

The second area of interest, and quite a strong interest by registrants, was being able to say something about their other environmental commitments. So, these would be efforts by a company that was interested in climate change, in greenhouse gas reductions, in safe drinking water in the third world, in drawing consumer's attention perhaps by a web site link to that. If you want to see more about what Clorox is doing to provide safe drinking water in Africa, go to.

So, there's our example. I'd forgotten I'd put this in here. But you might go to a web site that was talking about the sustainability efforts by a company. We'll talk about some concerns that were raised and limitations placed on that.

Then, finally -- and we spent a lot of time on this last third bullet -- we're talking about characteristics here which involve the pesticides themselves. Here, let's just focus on a couple of the examples.

Fragrance free, dye free, not things that we've been able to say up until this point, important to some

consumers who are making choices about products, fairly easy to verify since you're only looking at a confidential statement of formula. Either there's a fragrance there or there's not.

Readily biodegradable in water, we're going to talk in more detail in a moment about this. Contains X percent of plant derived ingredients, the subgroup had some vigorous discussion about this, as you can imagine. We'll talk about that in a moment.

Then, an area that I think is increasingly important to a lot of companies who are shipping product where they can go to concentrates and really minimize the effect on air quality and greenhouse gas emissions, again something that's fairly easy to quantify.

Okay, so, this is really where we focused within all of that. We focused on corporate commitments. Here people had concerns. What we were doing was we were reopening the familiar episode of the Red Cross logo. We're really getting back into cause marketing. So, I'll show you how we dealt with that in a moment.

Biodegradable, enormous help from particularly DfE on this. They do a lot of biodegradability analysis.

There is, it turns out, an existing OPPTS guideline on ready biodegradability in water. So, we were happy to put our hands on that. There are OECD methods which are widely accepted by everyone as being the appropriate measure. There are some limitations because they're ingredient specific. We need to come to grips with that.

Plant derived, here I want to give credit to Bill Bailick (phonetic), ISSA, others in the group who really drew our attention to what the farm bill did in 2001, 2002. They set up a bio-based product procurement requirement. So, hopefully, EPA is now buying bio-based cleaning products because they've been told to. They have a rule that is final that lays out the characteristics of these bio-based products.

There's a lot of language in the rule and in a related executive order which talks about the value of plant-based and bio-based products from the standpoint of renewability and disposal. So, we tried to draw upon that.

It turns out there's a method that involves radio carbon dating and is again widely accepted. ASTM owns it. You have to buy it. But it gives you an

objective measure of the degree to which a product is plant-based.

Then, finally, in the options for implementation, we won't spend a lot of time on this -- some people in the group felt that this was already well policed by the FTC. That option was shredded by many stakeholders as being inappropriate. We were told that thanks very much, EPA and the states will do the compliance.

So, I'll just go through these quickly. There's you OPPTS guideline on radio biodegradability. As I said, there are a series of USDA rules on bio-based products. The cleaning product rule is cited there. The OECD test methods and the ASTM method.

So, our recommendations are the following. That OPP should begin to allow limited factual statements for antimicrobial products. I want to say that many members of the subgroup feel that these principles are equally applicable to other consumer products; for instance, lawn and garden. I want to also recognize that we were made to understand that agricultural pesticides do not have an interest in these types of statements and

want not to be a part of the process.

We also talked a bit about implementation. I'll say more about that in a moment because a few of us have had a chance to talk to Marty about how we might initially implement all of this. Then, lastly, what we said is in spirit, these statements need to be consistent with whatever DfE logo program EPA might adopt.

These are not fixed in stone. They are the product of only a couple of discussions that Michael, Marty, Cleo, and a few of us have had about how this might get rolled out. But the notion of a pilot registered antimicrobial products, and I'm talking about 25B products to be clear here, we are not.

We were initially thinking 12 months, although I have to say that I've had some feedback from members of the subgroup who don't think that's long enough, including Jeanine in New York who thinks that, you know, probably correctly, it takes quite a while to get these things through the states and maybe 18 months would be more appropriate.

This would be done by amendment or new product registration, not by notification, if the EPA folks feel

strongly, and the states do as well, if they want to see all of the data and all of the documentation during the pilot and then sort out what they want to see and what they don't need to see if we go forward with full-blown implementation.

June is just not fixed in stone at all. It just seemed like a plausible possible launch time. We intend to take public comment during the pilot and at the conclusion of the pilot once we've kind of set up some points of evaluation for it.

So, thank you.

MS. EDWARDS: Michael, do you want to add something?

(Audio problems)

MICHAEL: All right, as you can imagine, I had some questions about things such as green labels and bio-based content and this kind of thing. I was very gratified to see ASTM methods that can identify recent carbon input into plants relative to ancient carbon inputs into petroleum, for instance, and being able to distinguish those with a hard science criterion of carbon dating, carbon 14 content. So, I think that was very

nice.

Similarly, the biodegradability I think is very important that there are established standards for these. So, with those two things to be included in it, I have much greater acceptance of the pilot.

Now, with regard to biodegradability, there is a discussion within the subgroup. Some in the subgroup were quite concerned that things like surfactants (phonetic), which are active in the environment, they must be biodegradable. But there was question as to whether or not the active ingredient needed to be biodegradable as well to have this biodegradability put on the label.

I am extremely adamant in saying that all ingredients in the product must be biodegradable for a label to have biodegradability on it. In fact, if anything, you know, it's particularly important to have an active ingredient be biodegradable to have a biodegradability label on the product, especially if this is essentially a certification on the part of EPA.

So, with those caveats in here, I was quite happy with the outcome of the subgroup and I was really

quite pleased at the, you know, the way the industry and everybody here went forward with this.

I need to digress just slightly, and I haven't discussed this with the subgroup at all because it came up the day before yesterday. The Washington Post online media talked about a new label that was approved by EPA on the 23rd of January for a BASF product called Headline. It's a fungicide pyroclostroban (phonetic).

The news release that came out of BASF said that this fungicide EPA has approved plant health claims on the label, a new precedent for the agricultural community. The plant health claims benefits are improved growth, efficiency, excellent disease control, enhanced tolerance to stress conditions such as drought, heat, cold, temperature and ozone damage even in the absence of any damaging fungi.

This was really troubling that the EPA would permit a label allowing this kind of marketing claim. Apparently, my discussions with Bill Jordan on this, the EPA does not evaluate the efficacy of a product, only its safety. This is really bobly (phonetic) as far as I'm concerned, to have a marketing claim sanctioned by the

EPA on plant health of a product that is presumably going to be applied widely in commercial agriculture based not on its fungicidal properties but on the fact that it's "like a vitamin." I really don't like pesticide claims as health claims. So, since we're in this factual statement discussion today, I thought I need to bring that up.

The letter from EPA approving this from Tony Kish (phonetic) and John Boswin (phonetic) says that the registrant must submit by June 15th an acceptable revised master label for the subject product. Inasmuch as June 15th is before our next PPDC meeting, I thought it was important to bring this up and kill this one just as quick as possible.

Thank you.

MS. EDWARDS: Thank you, Michael.

I'm going to go back to the order that was established previously and take care of those questions or comments first.

Tom Green, you're first.

MR. GREEN: Thanks. I'm excited about this program. I think it's really a good addition to the

signal words or reduced risk product classification, the signal to less toxic to users. I have concerns about 25Bs being excluded and wasn't sure whether that's the case with the DfE pilots. I'd hate to see this program work to the detriment of those manufacturers who have been developing 25B products that might be a disadvantage on the shelf there without this label. There are more of these products out there that are finding good effective sets in the pest management programs.

Also wondering about your list of criteria, whether that's on top of criteria that DfE already uses and, if not, whether there's an opportunity to include other issues like reproductive and developmental toxicity, neurotoxicity, active ingredients on the toxic release inventory, endocrine effects, and so forth.

Then finally, I had questions about restrictions on marketing, no comparisons to other products. Does that apply just to the label or does that mean anywhere in the product literature or on the product web site?

If that's a concern, I think you need to anticipate that user groups are going to start making

those comparisons in their literature and on their web site. For example, I can see a healthy hospital's organization putting that comparison together and question whether that restriction should be placed on the manufacturers who might be in a better position to make accurate comparisons rather than third parties.

UNIDENTIFIED MALE: With regard to the 25B products, I think Marty alluded to earlier that under the advice of counsel, we wouldn't be excluding anybody who wants to actually participate in the logo implementation portion of the pilot. So, to my knowledge, we would not be excluding them. If they wanted to come through the DfE screening and then the subsequent OPP review, they could do so.

With regard to the expansion of the criteria, much, if not all, of what you listed out there in terms of neurotox, developmental tox, and the other issues are already being discussed as part of the inherent criteria. The question as to whether or not the DfE factors and evaluation criteria are included, this would be in addition to what the folks over at DfE are already doing.

So, as Clive alluded to earlier, this would be

the most conservative way that we could actually get a product through and have a logo on it. So, you'd have to satisfy both DfE's criteria and the additional criteria that we would set if we felt that additional criteria were warranted.

Did you have a third question that I missed?

MR. GREEN: That was on the marketing limitations.

UNIDENTIFIED MALE: Okay, thank you. Right now, if a company chooses to have a product registered and make claims on their web site that differ from their EPA-accepted label, then under 40 CFR 168-22 and the FIFRA Section 12, we will go after that person because you have now marketed a product with claims differ. 168-22 refers to advertising in claims. That includes the internet, that includes mail outs and other things. So, we have taken enforcement action with the Office of Enforcement Compliance Assurance on those type of claims that are on the web site.

One of the things we did discuss in a subgroup was that if you wanted to actually go out and make a claim right now, there's no requirement that you actually

come in and have that claim reviewed prior to doing so. But you do so under your own peril if you go out there and actually exceed the claim.

We have in the past asked registrants or told registrants they need to remove a link from their web site that did go to a hospital association that did say we believe this product is environmentally preferable to the others that are out there or we think this class of chemicals is better than the others. We've said we may not regulate that web site because they don't have registered products, but you can't link to that site and you can't reference that site in the sale and distribution of your product. So, those principles and laws and statutes and regs will still apply.

MR. GREEN: Okay, thanks. I think it would be helpful for us if we could see the DfE criteria that these criteria would be on top of.

MS. EDWARDS: I just want to clarify one statement that Michael made about the 25B products. We had a lot of discussion about the 25B products. Essentially, because they are not registered and they could conceivably pose a lot of issues with the states,

we decided that the initial outset for the pilot we would not include them, although we didn't rule them out. They just weren't going to be the focus of the initial pilot because of the surrounding issues about them not being registered. If you recall, one of our criteria to be considered was that the product be a registered product for the pilot.

UNIDENTIFIED MALE: One thing that I wanted to say is that we have looked at at the actives and then we've looked at the inerts with OPP about the endpoints that we would consider and the endpoints that we would consider for the actives are actually pretty well harmonized already. And then, for the inerts, we would use the set of endpoints that is used in the high production volume, moderate production volume, challenge that chemical manufacturers are initiating or are working on now under the Champ (phonetic) program, if you're familiar with that, under OPPT.

So, repro tox, mutaginicity (phonetic), carcinogenicity, aquatic toxicity, a full range of endpoints is included under DfE consideration. Actually, we call it our general screen is on our web site and it

lists those toxicological considerations and thresholds beyond which we consider there to be a level of concern and wouldn't allow the ingredients. I'd be happy to go through that whenever convenient for folks.

UNIDENTIFIED FEMALE: I think actually most of my questions have been answered. My big one was just answered one second ago.

So, I guess overall, then, I'd just like to say that I generally support the project and I support going in this direction. I would actually just like on the next PPD to have more information. I'm not very familiar with the Design for the Environment and I don't have access to look at the web site now. I was concerned about the CMR and PBT issue, the carcinogen/mutagen reproductive toxin and (inaudible) toxic. But in your last statement it sounds like you are considering those things.

I also saw on my little Blackberry ability to go on the web site that in 2007, your web site says that you've reduced by 80 million pounds chemicals of concern in those products, which is pretty significant. So, I would support it with -- just that I want to go beyond

the acute toxicity endpoints. It sounds like you are.

And then, I would at some point like to put on the agenda wherever it is appropriate this issue that Michael brought up about claims made on labels that are -- because this efficacy thing is going to be important because some of the things that will get into your program as green chemistry are getting in because you can use less of the chemical because it's more potent or longer lasting. That's a real toss-up issue that I'm not very comfortable with. I think it does deserve a bit of conversation.

UNIDENTIFIED FEMALE: I wanted to just say some of the general things that I have said at most of the work group meetings just for the benefit of everyone who hasn't heard me a few times already. One is that I think there is a really strong consumer demand for this kind of program. I think it's really appropriate that EPA recognize that consumer demand and try to meet it.

One of the things that I believe that consumers, you know, really want in a program like this is basically they want to be able to trust the program. Most consumers don't want to have to do their own

independent evaluation of the ingredients in some antimicrobial product, you know, or any pesticide product.

So, to establish that trust, I think there's a few things that are really important. Probably the most important is that the criteria for the logo be really transparent. I was actually impressed when I looked at the DfE web site that it did feel to me like the criteria were really clearly explained and really transparent and that it was something that an ordinary person could look at and understand.

I hope that if DfE and OPP are working together, that there can be an equally transparent explanation of how that process works and just how the whole evaluation process will proceed so that people really will have trust in this logo and it will provide the kind of assurance that people are looking for.

One of the sort of flip sides about trust is I think this example that Michael brought up that if -- at the same time we're pursuing this logo for consumer products, if at the same time EPA is approving label statements that -- where the process is not very

transparent and there isn't -- there doesn't seem to be the kind of background, unless there's something that we're missing here, that's going to undermine the trust and it's going to make it really hard for organizations like the one I work for to be able to recommend to folks that they use this DfE logo as a criteria for their purchasing decisions.

UNIDENTIFIED MALE: I put my card up about an hour ago. I don't remember what I put it up for, but I kept it up because I didn't want to lose my place in line.

I think there are two things I would like to talk about. One is to maybe stress the urgency of this issue and what I mean by that is there is a large group of consumers, but particularly state and local government agencies, that are demanding green products and services. I think in the absence of some definitive action from the government, EPA, other people are stepping into the breach. I just urge you to act quickly to address that consumer demand in the marketplace before somebody else does and maybe doesn't do it as well as you're capable of doing it.

According to Jay Leno last night, he said everybody is looking for green products. He said even Dick Chaney is looking for them, that he issued a press release yesterday urging the government to only use recycled water when they water board. I didn't make that up. That's what Jay Leno said.

The second point I wanted to make, though -- and this is I think what I was -- when I put my card up in the first place -- Michael, I think what I heard you say is that OGC has said, well, though you're only thinking about antimicrobials, did I understand you to say that you can't discriminate against other types of products?

MICHAEL: Yes. We were advised that we could exclude others.

UNIDENTIFIED MALE: This is kind of a big point for me. I think that fundamentally changes this whole question in some big ways. The criteria that I think you've done a good job of articulating for antimicrobials may not necessarily be the right criteria for products other than antimicrobials. I think there's a lot of us that kind of checked out of this process at the point at

which the agency said, well, for the time being, we're going to do a pilot that only involves consumer antimicrobial products. I would like to suggest -- I mean, I've got like about 20 questions.

When you said this might apply to things other than antimicrobials, I started writing questions. I'm not going to ask them all, but I'd love to see a conference call or a meeting really soon -- I mean next week even -- to talk about the question of whether those criteria are the -- again, I'm not ranting on antimicrobials. I think you did a great job. But are those the right criteria for things that are conventional insecticides?

AMY: The benefit here is I've now got two pages of questions. The American Association of Pesticide Safety Educators has -- which includes pesticide safety, educator's firm extension, and also state lead agency people, and private consultants. We have some concerns about how this goes.

One of the things that is of most concern is that moving the market to purchasing logo products -- and I have no doubt that the logo programs that are currently

there or that marketers and manufacturers are finding them that they are effective in moving the market toward purchasing those logo'd products or safety statements could -- or factual statements could, in some cases, do the same kind of thing.

But moving people toward what you might perceive as a better purchasing decision is not necessarily the same as moving people toward a better use decision and better use practices. In fact, it could be quote at odds with fostering better use conditions. I would say that it's not only not equivalent necessarily but it could be even poorer.

If we don't know ahead of time what people are doing -- these products that we're discussing now, it's not just a matter of the green chemistry and the safer chemistry. It's a matter of the use conditions, making sure they're continued to be used on the right site for the right pests at the right rates.

All of that information with the right re-entry period, the right preharvest intervals, people have to still keep reading all of the pesticide label to ensure that they're using these products correctly and achieving

your goal which really surrounds protecting human health and the environment better than just getting people to buy a product with “green chemistry” and then disregarding the rest of the label requirements.

So, that’s a very, very great concern to us because I think if you look at the impact down the road, you might see some things occur that you had not envisioned as a result of this. There still should be ways to do it.

The second thing is the conventional pesticides are very, very different from antimicrobials. The market and the people who use them have different cultures of education and backgrounds. I agree with Bob that this is a very different thing.

When we first talked about a pilot program starting out for just the antimicrobials and disinfectants and sanitizers, that was a different thing than talking about -- now that you’ve been advised by your counsel that you can’t restrict it should some products that are conventional pesticides wish to get into this program. It’s not only, again, just a criteria, but a pilot program to test how well the

program works for the sanitizers and disinfectants that would not necessarily at all carry over to the evaluation of how it would work for conventional pesticides.

So, I think if this could happen, I really really think that you need to do two pilot projects or as many as you need for the many different sectors that you have. You might need one for consumer products, one for ag products.

Then, Bob Rosenburg also mentioned the state and local government pressure for green products. I agree with that. That's something that we see with our state-lead agencies, the concerns of where that would go if you move the market so much that, for instance, the organophosphates (phonetic), let's say, are no longer logo'd products or their factual statements make them no longer desirable products for people to use. How are you going to resolve concerns about resistance development as you move the market away from these kinds of products?

So, yes, we do want to accomplish all these things but how do you make sure that you at least keep the tools that you need and don't end up having state and local governments and perhaps retailers, perhaps grocery

stores, saying that they really only want crops and foods that have been grown with the logo'd products or the factual statement products. So, these are just things that you need to design into your evaluation first and see how that's going to go.

Finally, on the eco bottles, I would really stay away with any statements that say reduction because, for instance, envision manufacturer A with 20 percent of this better plastic in their product from the beginning and manufacturers B with 75 percent. A 30 percent reduction by manufacturer B would bring them down to 50 percent and they'd still be a far worse bottle to choose than the bottle that started out with a better product to begin with. But manufacturer A wouldn't be able to advertise that. So, really be careful with your factual statements. They can very well be misleading.

PAT: I appreciate those comments, Amy. With regard to the last one, and I think it may be a larger point, I think what you're -- to me what you're trying to encourage if you're the agency and you're embarking on any of this, is directional change. So, while not everybody's environmental practices may be as good as

others, if you can encourage directionally everybody who is manufacturing a bottle to use 33 percent less than they did a month ago, that's desirable.

I'm not sure that the consumer is really going to be confused to a point where we need to be terribly concerned. I mean, that's really the reason to do this, is the success that we've seen in other areas with these kinds of logo programs, particular when the logo is backed by this agency and the trust that the people have in the agency. That to me is really the point here.

AMY: I disagree, Pat, that if a product already has 10 percent versus a product that is now down to 50 and you're now forcing -- now consumers are going to go buy the one that's got 50 instead of the one that's got 10 percent. That's my only point in the wording there.

UNIDENTIFIED FEMALE: And those are criteria that we're still working on.

I have a sense -- we've already run over time -- I have a sense that what I've heard thus far is that we need to do a little bit more work on the DfE logo pilot, particularly around clarifying this issue of

antimicrobials versus other conventional type products being included in a pilot or maybe a secondary pilot that perhaps is not a comfort level that we would like to have a recommendation to go forward immediately with that but in very short order will get some clarity around that and I'll follow up with Bob's suggestion that we have a conference call to vet those kinds of issues that have been raised.

I'm wondering if the remaining tenth -- and what I'd like to do is hear from those that have not yet had a chance to speak but also if you would like to address the issue of factual statements. But before we go there, I would like to turn it over to (inaudible).

MS. EDWARDS: So, here's my question. It seems like there's an enormous amount of energy and interest in this topic. We're going today until noon. So, there's a couple options here. One is that we cut this off in about five minutes, having already gone nearly 15 minutes overtime. The other option is that we cut it off now, come back and skip the ESA session and just continue with this session the rest of the morning.

So, what is -- let's have a show of hands. Who

wants to hear the ESA session? I think that's the important part. Okay, that's what we'll do then.

So, five more minutes and then we'll take a break.

UNIDENTIFIED FEMALE: We'll hear from those that have not had a chance to speak, so I'm going to start with Scott.

SCOTT: Thank you. In reference to the comments on the headline label, I do want to note that -- are not qualified to respond or (inaudible) the BASF that's not at the table too. The degree of discussions on that I think at least need to put on record that they are not here to respond.

UNIDENTIFIED FEMALE: As a work group member, I do want to point out that for the factual statements, that there was not consensus that this be limited to antimicrobial products. The scope of the principles that we're looking at with regard to packaging claims or corporate commitment claims are certainly not anything that are unique to antimicrobial products.

On the one hand you're saying that other's pilot is not going to be limited. I just disagree that

the factual statements should be limited to antimicrobial products because obviously other types of products and other companies have the same kinds of corporate commitment and/or do the same types of things for packaging and other nonpesticidal claims and issues.

UNIDENTIFIED MALE: Part of what I was trying to reflect was the input that we did have from a work group member, namely Ray McAllister (phonetic), who is here in the room, who made it quite clear, at least on behalf of CropLife, that their membership did not have an interest in having this expanded to that sector. So, I just want to reflect that.

Also, to just note that, as I said in my presentation, it did seem to a number of members of the subgroup that these principles apply very easily to, for instance, something like lawn and garden products that were consumer use type products.

UNIDENTIFIED FEMALE: I just wanted to underscore that a lot of really hard work and very thoughtful discussions went into developing certainly the limited factual statements. I can’t really speak concerning the DfE pilot logo, although knowing the

people involved, I'm sure that's true of that effort as well.

I do think it's very important in looking at that pilot, logo pilot program, that you give -- that we do exactly what you suggested, Marty, and that is that we have more discussions about including pesticides and what that would mean in terms of the criteria that would be used to evaluate the pesticides because they are conventional pesticides. They are very different from the antimicrobials.

I would hate to see a pilot program that, as far as we know, has been designed with testing antimicrobials expanded without that same kind of thoughtful deliberation. Then we end up with a bad result, which would defeat the ultimate goal.

So, those are my comments.

UNIDENTIFIED MALE: I happen to, as I said yesterday, think that there's a lot that can be done to improve the trust in the agency. What I would not like to see come out of this program would be a loss of trust in the agency regarding pesticides that do not -- companies that do not choose to put their products

through a program like this.

Safety is a critical issue in the registration of pesticides. So, I think we -- as we move into what one referred to as conventional pesticides, we walk a very fine line between the discrimination against products that may not fall into this category while they are still safe for humans and the environment because of the rigorous program that they go through.

So, I agree with Beth entirely that we must look at moving this program to cover more than antimicrobials very very carefully and give it, in my view, much greater rigor than we may be able to do with antimicrobials.

I may have not heard well earlier in Michael's presentation. How is the word safe and safer allowed or not allowed to be used in the DfE program? Is the word safe or safer allowed in any way in that program?

MICHAEL: If you go to the DfE web site --

UNIDENTIFIED MALE: Which I apologize, I have not.

MICHAEL: I believe the language that's out there does say safer. Clive would actually be better to

respond to this, but I do believe it says safer.

CLIVE: Yeah, it says -- in fact, the tag line that's associated with the logo when the logo is used is recognized for safer chemistry. But the group -- the PPDC subgroup that's been discussing this issue has voiced that that may not be the appropriate tag line for pesticide products.

(Audio problems)

MS. EDWARDS: All right. For our final major session during this PPDC meeting, we're going to give you an update on our ESA consultation status. The session chair for this is Don Brady. He'll give you a relatively short presentation followed by time for some comment and discussion.

Don.

UPDATE ON ESA CONSULTATION STATUS

MR. BRADY: Thank you, Debbie. I'm joined at the table by Mark Diner (phonetic) from our General Counsel's Office in case any technical legal questions come up. I'm hoping they won't. If we hear a voice from the speaker, it may be Arty Williams (phonetic), if she's managed to call in.

This hour that's set aside I think reflects the request at one of the earlier PPDC meetings that we leave some substantial block of time to talk about ESA issues as we in EPA move through with the things that we need to do given the current state of the program, which I will describe here for you today.

So, what I wanted to talk about today in the presentation quickly is to describe the two final biological opinions that we've received from NOAA on six pesticides, give you a quick update on some of the recent interaction we've had with the Fish and Wildlife Service, spend about two minutes talking about Bulletins Live and then give you some information on a work group that we've formed in EFEED which involves both of the Services to begin to address some of the science issues that have been raised between the Services and us.

The biological opinions that we've now received, the two finals, are from NMFS, are the result of a settlement agreement between NMFS and the Northwest Coalition for Alternative Pesticides. It requires completion of consultation on 37 actions for which EPA initiated consultations between 2001 and 2005. Opinions

have been issued for six pesticides. Those six opinions are contained in the two biops that we've received.

There's remaining 31 actions or consultations that will be addressed between now and February 2012 in 8 additional biological opinions. The next expected biological opinion is in June 2010. I'll talk a little bit about how we're hoping to use some of that time internally to do some work on the (inaudible).

So, these opinions were issued in November 2008 for three OPs, chlorpyrifos, diazinon and malathion and in April 2009 for three carbamates, carbaryl, carbofuran, and methomyl.

What I've done in the next couple slides is because there's some complexity -- these are large documents. The first biop was 500 pages, the second biop is 600 pages. So, these are substantial documents. I've tried to put in table form first what the conclusions of the biological opinions were and then the next couple slides will describe what are called the reasonable and prudent alternatives.

So, there are 28 ecologically significant units, Pacific Salmona (phonetic) -- I can't say salmona.

That's bad for a guy with my job -- fish. I can say anadromous, though. There's critical habitat designated for 26 of those 28. So, as you look through the numbers, they don't all necessarily add to those 28 ESUs.

But this table describes the findings. So, for the three OPs, for all three of the pesticides included in that opinion, in that biological opinion, jeopardy was found in 27 of the 28 ESUs. There was adverse modification to critical habitat in 25 of the 26 designated ESUs. There was no jeopardy or habitat modification found in one ESU in the three pesticides -- the three OPs covered in the first biological opinion.

The second biological opinion, unlike the first, treated carbaryl and carbofuran as one and methomyl as a separate analysis. So, that's why they're broken out separately on this table. I won't read each one of these, but this hopefully gives you a snapshot of what the findings in the biops were.

The thing to note is that when jeopardy is found, the opinion provides an RPA, a reasonable and prudent alternative, which when implemented will preclude jeopardy. Then you're out of the realm of jeopardy if

you implement the RPA. But the action can still result in individual -- take of individual members of the species.

Therefore, included in the biological opinion is an incidental take statement, and RPMs, reasonable and prudent measures, are provided to reduce the impact of take on the number of individuals in the population. So, we'll talk about RPAs and RPMs. I just wanted to get that concept out there.

So, on the next page we see the first four of the biological -- of the RPAs provided; application buffers, vegetative buffer strips, wind speed, and moisture. Under each column there, it describes the biological opinion provided by way of RPA for us. I also included, if you look under --

In the first cell under application buffers for the three OPs, you'll see one part per billion and 12 parts per billion. These were in stream concentration that resulted when the models were run by NOAA based on their buffer strips. I put that in there because these in stream concentrations have gotten a lot of attention and have been the focus of a fair amount of discussion,

certainly on the 12th floor in EFEED.

But the thing to note is that the biop didn't say meet the concentration and there will be no jeopardy; the biop said apply the buffers and there will be no jeopardy. So, it's a small nuance but it's important to us as we in EPA decide how we are going to respond to this.

The next page has the remaining two RPAs, one for reporting and one for monitoring. So, for the reporting example, fish mortality within four days of the application and the vicinity of application was forwarded to EPA. Those are the same for all of the opinions -- all of the consultations that we received.

If you read the biop, you'll know that the monitoring plan is very specific, indicating the number of sites, the number of days, the analytical methods that need to be used. So, those six RPAs together are what EPA now has to think about how we implement. So, that's part of the choice that we're confronting here ourselves.

In the second biop there was an exception for Willipa Bay and Greys Harbor. That was treated a little differently because of some previous work there. It's a

detail just to show that there was some discernment in that second biop that recognized some of the previous regulatory actions that had been taken.

Then we go to the RPMs, the reasonable and prudent measures, which we have to implement. So, even with the RPA, the action will result in take. Therefore, an incidental take statement was provided and we have to implement the reasonable and prudent measures to minimize the impact of take.

So, the RPM states that EPA must minimize the amount and extent of incidental take from use of pesticide products containing the active ingredient by reducing the potential of chemicals reaching the water. Monitor any incident take or surrogate measure of take that occurs from the action. Report annually to NMFS Office of Protected Resources on the monitoring results from the previous season.

So, now you have two of the elements that EPA is obligated to respond to, the set of six RPAs and the reasonable and prudent measures that apply that are the same for both.

Then there’s a third set of terms and

conditions included in the biological opinion that EPA must also respond to. So, I won't read everything on this table. My hope was that these tables would help guide people in their own reading and analysis of the biological opinions.

But you now have the set of factors that we need to consider in responding to the biological opinions. We have to think about the RPAs, we have to think about the RPMs, and we have to make sure that we meet the terms and conditions in the biological opinion.

So, on the next slide it's just really a summary of what I've tried to portray in the tables. NMFS believes uses of the three OPs and three carbamates will jeopardize the continued existence of the species but jeopardy will not occur in the one year provided for EPA to implement the biological opinion. I'll talk about that in a minute. And EPA is considering how it might implement the opinion and will inform NMFS of its decisions.

One discussion point I thought there would probably be a lot of discussion around is how EPA is moving to implement. We'll get back to that as we go

through the rest of these slides just to set the stage. The thing that's important for us is that we have until November of 2009 to implement the first biological opinion and we have until April 2010 to implement the second biological opinion. That was part of what was contained in the biops.

So, that's where we stand right now with NMFS. We are moving in EFEED to provide recommendations to the office director. The targeted date to provide those recommendations on implementation is May 1st. So, it's upon us and we're working very hard to do so in EFEED.

The next slide, 11, describes something that I put in as informational because I thought people may have heard about it. But on January 14th, we received a letter where the Fish and Wildlife declined to engage in formal consultation on a number of assessments that we had sent them dating back to 2007 and 2008.

There were 45 determinations. These were litigation driven. They encompassed effects, determination from three different lawsuits. These include all the red-legged frog assessments, several assessments relative to the Barton Spring salamander, and

assessment of the effects of atrazine on a variety of aquatic species in the east, the midwest, and the southwest.

I've listed on this slide the points that Fish and Wildlife made to us in terms of why they deemed that the packages were not adequate to initiate consultation. So, I just wanted to put that out there. This is another thing on our plate in terms of our current ESA implementation, is to decide what to do. Obviously, this involves a lot of work and effort on our part to have done these assessments originally. The next step is something that we're still contemplating.

Rick may have a comment on that later. I don't know.

So, the next thing I wanted to just bring folks up to speed on, in the interest of getting to our discussion time, is Bulletins Live. If you go to the Bulletins Live page in the next few days, you will find that it's down for testing. But we consider the system at this point to be built and complete. We will be able to use Bulletins Live as a way to implement mitigations that we may ask to be put in place as a result of the

biological opinion.

So, the capacity in Bulletins Live is for a mitigation on a county or a subcounty level. That capacity is there for the whole country at this point in terms of this system. So, we are looking to that as our primary implementation mechanism.

The first bulletin that will go up is on for Wisconsin and Michigan for methoxyfenozide. That is going to go up very soon. I don't have an exact or a specific date, but the work has been completed and it should be up very soon.

These bulletins -- the bulletin that I just mentioned, the first one to go into Bulletins Live does implement a consultation that was completed with the Fish and Wildlife on the use of this pesticide related to the Karner blue butterfly and Hine's emerald green dragonfly. So, this is a case where we've had a consultation and we're implementing on the basis of that consultation.

We just wanted to clarify because we had some questions about this system about what it means if there's no limitations reported or no requirements reported for a particular pesticide. All it really

means, it's pretty common sense, if we've assessed a pesticide and there's nothing there, that would mean that there's no additional requirements in place. If we have not assessed the pesticide, you shouldn't view that as saying that we don't think some mitigation will at some point be necessary. So, we're looking to this Bulletins Live as our primary implementation mechanism.

The next thing that I wanted to talk about is on page 15. This goes to registration review. As you undoubtedly know, our stated purpose in the pesticides program is to complete our ESA consultations in the context of registration review. We have done so with the first two of the registration review risk assessments that were posted on the web site yesterday.

These are for clomazone and fomesafen. They took two slightly different analytical approaches to meeting -- to describing the impacts on endangered species. Clomazone was what we call biology driven. It focused on the species biology that we were concerned about. Fomesafen was location driven. It looked at the location of the use with the species. So, that one looked at on a spacial component.

So, these we consider pilots. We think that this approach in the pesticides program will evolve a little bit over time. But this is our primary mechanism of meeting our endangered species consultation requirements.

The draft risk assessments were posted on April 22nd. Letters initiating consultation with Fish and Wildlife and NOAA were also posted. So, we have sent a letter initiating consultation on these two packages to NOAA and Fish and Wildlife. Our hope is to receive and review public comments in the same 135-day time frame in which consultation should occur. Then the proposed regulatory action could then take into account public input and information from Services' Biological Opinions.

This is the plan that has been developed in the last few years in pesticide programs for getting consultations completed as part of our registration review process.

The next thing that I want to talk about is on slide 17. I'm almost done and then we'll get to discussion here. That is, we did talk last time we addressed this group about the Endangered Species

Information Tracking System. We've even since then I think come up with a fancy acronym, ESITS. I'd rather get one maybe ERUNS but we couldn't come up with a more active one.

We've had some discussions with the Services since we started this to design this concept that are clarifying that our work here and our hope to build in consultation at first with governmental and then ultimately with other partners, if that's possible. We're not intending to duplicate existing databases. We're really in the first case attempting to identify -- sort of take a census of databases that are available in hopes that by spreading the availability, better use can be made of the existing ones.

Then, the next step would be to go through a joint design analysis to fill gaps and databases. So, we continue to work with that and discuss that with our federal partners. Hopefully, the next time we come back to this group we'll have more details on what that will exactly look like.

Then, the last thing that I wanted to share with you is in EFEED what we're calling our registration

review workgroup -- the goal of this workgroup is to develop a nationwide risk assessment process to evaluate the impact of pesticides on listed species and critical habitat in compliance with endangered species.

On the next slide, you'll see sort of our goals for the process that this workgroup will follow: bases decisions on best available scientific and commercial data; produces assessments consistent with the overview document, ESA and FIFRA; and is transparent scientifically and legally. So, those are the sort of principles that the group in EFEED is working on.

Now, it's not just an EFEED group. We are having active discussions with the Services about involving them in this workgroup. We've had extensive discussions at this point with Fish and Wildlife Service. They have agreed to work with us on this workgroup. We've had the same commitment from NOAA but we haven't had the level of discussions yet with NOAA folks to work on that.

So, my hope here is that by working with the Services, we can address some of these issues jointly. If we can address some of these issues at the outset, the

consultation process should go somewhat easier than it has historically.

I'd also note that the idea to work collaboratively on some of these issues was an idea that was proposed to us by the Fish and Wildlife Service and we are working to implement that. So, we're trying to get in a collaborative mode of working here.

We've asked them on slide 19 to develop a process that considers mitigation as part of our analysis, produce publicly available guidance, reference documents and templates as appropriate, and consider supplementing the overview document, if appropriate.

One of the things that is happening as we move into registration review and as we start to have mitigation considered as part of our assessments, and then hopefully as part of decisions for registration review chemicals, is that special registration and review division will play a larger role in that process of developing and hopefully working out mitigations with registrants if mitigations are necessary. So, there will be a little bit of focus shift here from what has up until now been pretty much an EFEED lead on ESA, but

special registration review division will start to play a role.

Then, finally, I saved the best for last on page 20. These are the substantive issues that we've asked the group to look at: sublethal effects in defining the action area and in quantitatively and qualitatively evaluating risk; how to consider tank and environmental mixtures; worst case versus high end estimated concentrations; the information on species habitat, biology, baseline status of listed species; and data standards and open literature queries.

If you're familiar with the state of the discussions between EPA and the Services, you'll recognize that those are the topics that often come back to EPA in communication from the Services. What I've asked the workgroup to do is to look at these issues and begin to see if we can make some adjustments in our process to make some progress on addressing those issues. I don't think we're going to come up with solutions quickly and to every question definitively. But I do hope that we can begin to take a step forward in addressing some of those issues right now.

So, that's sort of a quick update of the questions before us right now in OPP. It was a little longer than the 15 but I'm sorry about that. I just love this topic so much. I think we can go to questions.

MS. EDWARDS: Let me suggest that we go to 12:30 and end this discussion at 12:10 because we do have a couple of public comments and I do want to close out the meeting in an orderly fashion. So, at the most, 10 minutes after 12:00. So, we'll do the best we can during that time.

It looks like there's not much interest. Just Susan Kegley (phonetic) wants to speak. All right, we'll start with Susan and then start back up here, since she did get her card up first.

MS. KEGLEY: There will be more, I'm sure.

I guess the way a lot of the endangered species work has been done in the past is to look at the particular species, the particular area, and the particular pesticides that are used in that area. I wonder if EPA has a plan in place for dealing with substitutions; for example, rodenticides and Bay area endangered species.

There were some rodenticides that are -- or the ones that are used in the Bay area counties, but there are also the ones that have kind of relatively low use. But if you take away or restrict in some way the ones that are known to be used in that area, the other ones will just come in to replace them. The same with herbicides that might be more restricted in one area or the other, another herbicide will just come in to replace it.

How do you anticipate dealing with that particular difficulty?

MR. BRADY: The way that we are doing the consultations for registration review, first they're national consultations which brings a degree of complexity that we really haven't approached yet in the litigation where we've dealt in more limited geographic areas within the pesticides.

The consultations occur on the basis of the current labeled uses. That's our approach. So, that would be how the ESA analysis is done. It's on the basis of that current use. So, substitutions, I think if there's a labeled use, we have to deal with it. It's the

way these would be approached.

MS. EDWARDS: I'd just like to say a little bit about that as well. Obviously, the challenge here for us is again do all chemicals today. We have to do the ones that we have litigation on first in the areas in which we're required to do so by the court. So, that's what we do. But we're trying to be somewhat -- quite a bit actually -- strategic about the order in which you do some of these chemicals in that you don't want outcomes that are odd.

I think that's what you're getting at, where you might have a reduced risk chemical where you did that one first and had some restrictions on the use such that you were driving people to a chemical that's less reduced risk, or something like that. So, we're trying to take those considerations into account as we move forward.

That was one among many reasons that we pulled forward some of these chemicals like the organophosphates, the carbamates, and even the pyrethroids earlier in registration review. We would handle those first. It's not going to be 100 percent effective, but the goal is to not have unintended

outcomes as a result of this process.

JAY: So, first I would say, Don, you and your team did a spectacular job in crunching together a lot of very complex information, as you described it, into a very clear presentation.

So, one question I would have is, could you go back and explain the difference between an RPA and an RPM? I ought to know that, but somehow I didn't catch that as you went by that, just so we have a little better understanding of what this means in terms of practical implications as it stands now.

Secondly, I know Rich is here from Fish and Wildlife. Is there anybody here from National Marine Fisheries?

MR. BRADY: I think there is somebody here. Arlene?

JAY: I'd just be curious to kind of get their perspective on kind of how this is working now between EPA and their shop.

Then, lastly, could you give us a little more information about the Endangered Species Information Tracking System, which I take is what you're now calling

what was referred to at the last PPDC meeting as a megadatabase. I think those are one in the same. Can you tell us a little bit more about the data that's gone in there and what else might be cued up to be able to go in there for future benefit?

Thanks.

MR. BRADY: Well, do you want to let Rick speak to the RPA/RPM first?

UNIDENTIFIED MALE: I can try to handle that as a legal matter and then Rick can correct me.

RPA is reasonable and prudent alternatives, are the expert agencies, the Services' recommendations for changes to the agency's actions to preclude jeopardy. So, they're not, strictly speaking, requirements. Agencies regain their discretion to adopt alternative RPAs to address the jeopardy finding.

RPMs are mandatory in the sense that only the Services can authorize take and the do so under specific terms and conditions. So, take is only authorized by users of the pesticide or the agency if it's done in accordance with the RPMs. So, in that sense, they're mandatory.

UNIDENTIFIED MALE: The second question, the RFP and what's going on there? ESEEDs, right. Well, this is, you know, truly I think a recognition of a couple ideas. The first is there is data out there which we all think we need access to in order to be successful in doing assessments and completing consultations.

The first part of that RFP is truly a census among the federal agency as to the kind of data that they hold and then an analysis of what use we might make of it as a federal action agency and what use all federal action agencies potentially could make of that information in their assessments.

The first step is what do you have out there? What use are you using it for now? And then, what use could we use it for in the future? The second part of that first census element would be to some way facilitate the connection between those data sources. So, if USDA holds a certain data and information based on this analysis that the agencies have gone through on species characteristics or something of that nature, uses, whatever that information might be, we would facilitate the access of that by all the federal agencies.

So, that's the first idea. That's why it's important to remember that in this first step, we're not trying to reinvent or generate competing databases, if you will. We're truly just trying to identify the holdings that are out there and facilitate that correction.

One of the examples of non-federal database that's out there that we found very useful in the fomesafen pilot was the (inaudible) database where we use information there and we were able to get information on uses and species location out of that database, which we used in the assessment. So, that's the first part of this.

The second part is on the basis of that analysis to go to identify the gaps -- data that we would like to have but that we don't have in a format that we think we could use it to facilitate the whole process, the assessment and the consultation process. So, again, that's the principle behind it.

What we hope to do is complete the discussions with other federal agencies to get that census. I'll call it a census. I don't think that's the correct IT

term -- the list of data that is there now -- begin to look at that in the context of the uses to be made of that or that could potentially be made of that and then just sort of work through that process in a deliberate and thoughtful way. That's our hope.

UNIDENTIFIED MALE: So, first of all, this is all going to be digitized so it has more utility among the Services and EPA.

UNIDENTIFIED MALE: Well, we would hope. We hope to make the best use we can as sort of the modern approaches and the technologies. But I think one of the things that I found in just our initial discussions is not all of the agencies are on the same page nor have quite the same capacities or capabilities. So, that's something that will figure into how we do this work.

UNIDENTIFIED MALE: And will this be housed at an independent site or EPA or --

UNIDENTIFIED MALE: For the first stage, it will be housed in theory, right where it's housed now, the existing data. We're talking about links. Again, I'm not an IT expert but I know that they can make anything talk to anything in this day and age. So,

there's no at this point building of some huge central server that holds all this data and information. This is more a facilitation (inaudible).

UNIDENTIFIED MALE: So, some of this data will be CBI protected and some of it won't be. So, it raises questions I'm sure from a legal standpoint as to accessibility to the public, et cetera. Have you got an idea around how that will be --

UNIDENTIFIED MALE: Well, we will have to manage the CBI very carefully of course. The way that we've managed CBI right now is we've made sure that people in other agencies who are dealing with it have the proper clearances. I don't know exactly how we'll end up doing it in this case, but probably in some fashion.

The real issue, to be honest about it, is not identifying -- I mean, there's substantial work in identifying the data that's out there and making it speak to each other, talk to each other. But the real issue is, you know, the significance assigned to the data and the level of peer review and things of that nature that has gone into the data because that figures into the certainty with which the analysis is done. I actually

think those are the thornier issues than just the IT things.

UNIDENTIFIED MALE: Thank you.

UNIDENTIFIED MALE: Sure.

MS. EDWARDS: Don, I just want to add something to that. The data that we're talking about here, just to be clear, is location data and all of the biology data that surrounds the species and its critical habitat. So, right now for us to do these kinds of assessments, it's a lot of back and forth, it's a lot of data mining, that sort of thing. We don't necessarily even know if the data that we're using will necessarily be viewed by Services as the appropriate data.

So, with the huge challenge before us -- and I think everyone here knows what it is if you're involved at all in our goals around this is to get into complete compliance with the Endangered Species Act through our registration review program at some point and then have follow-on registration be in complete compliance as well.

In order for this program to do that, we have to have desktop searchable, state of the art IT systems that our scientists can use every day at the same time.

So, we all have access to this information at the same time. It has to be information that is bought into by the people that evaluate our consultation packaging. So, that's the challenge before us.

This is -- what we're talking about here is one piece that we believe would help facilitate that in order to handle the volume. You can do it the old fashioned way, but I don't believe you can even come close to handling the volume of work before us doing it that way.

UNIDENTIFIED MALE: If I recall correctly, the Agency wrote a rather blistering commentary on the draft report taking them to task for some significant shortfalls and methodology, modeling assumptions, et cetera. I'm wondering to what extent the final opinion took into consideration those shortfalls, because we share those considerations.

In looking at the RPAs, I notice there's a 1,000 foot buffer for malathion. That seems to me it doesn't take into consideration that at a 300 foot above ground level release point for mosquito control any deposition even into the air column is going to be about a mile down range. I think that's a little excessive, at

least for mosquito control.

So, what I'm asking is, first of all, did they take into account your concerns? Secondly, how are you going to work those concerns out if the final opinion really doesn't give you a whole lot of room to maneuver?

UNIDENTIFIED MALE: Who is they?

UNIDENTIFIED MALE: They is the National Marine Fisheries Services.

UNIDENTIFIED MALE: The second part of the question I'll answer first. That is that in this period of time between now and June of 2010, we hope to engage with NOAA folks on some of the science issues that we did raise in our comment letter.

Tomorrow, for example, there is a group of about 20 EPA scientists going to NOAA to get briefed on and discuss the population model that was used in the first biological opinion to try to get a better understanding of the assumptions and how that model actually was applied. As you pointed out in our comments, we were concerned about lack of transparency and how the assumptions in the modeling was done that resulted in the conclusions.

In the first biop, the way the timing worked, we didn't get the final RPAs until the end. So, it's a little difficult to answer your question on that one. On the second biop that was just published in April, I think that the biggest difference is there was no vegetative buffer in the RPAs for that biop. I think that --

I would hope that that reflects our comments that were made to them over the time about the effectiveness of those vegetative buffers. But I have not seen and I don't think the NOAA process provides a point by point discussion of how our comments were dealt with that I'm certainly familiar with from a rulemaking context, you know, classic EPA rulemaking context where issue one is identified and response.

I have not seen that. I don't want to overspeak. I don't know if either Rick or Arlene wants to provide further commentary on that point.

Our position, quite honestly, is we now find ourselves with these RPAs. We're sort of working, I think, on a couple of tracks here. One is we have to respond to these two biological opinions and come up with how EPA will implement them. At the same time, we're

hoping to use this period of time between now and June 2010 when the next biop is due and working through some of these science issues with this case with NOAA.

UNIDENTIFIED MALE: It is not a rulemaking so there's no expectation of a point by point response. But the statutory requirement is that the opinion be based on the best scientific and commercial data available. So, to the extent that any comments are offered by the action agency, I would expect to see some explanation of why those comments may have been -- if disregarded, why we thought they were misguided. It might be better to ask Arlene because I don't know exactly what was done in that particular opinion.

Do you want to come on up, Arlene?

ARLENE: In response to whether NMFS considers the comments they receive from EPA and the applicants, yes, we did. Rick is correct that this is not a federal rulemaking process. However, when we look at our project file, we do put into our record why we did and why we did not consider comments. That's in our own project file records.

So, again it's not something that we publicly

publish like as in responding to comments on a listing package or in the recovery plans, but it definitely is something that the entire pesticide team did consider. We have it in our project file record. That question was also raised previously too when we met with EPA on April 7th as to how do the federal agencies consider comments.

So, we recognize that people have taken the time to do the review. We recognize that people have concerns. We do weigh that. As Rick mentioned, we try to use what we call is the best available science. We are not limited to some kind of very quantitative approach like some agencies have. So, we balance it between a qualitative and quantitative analysis. Then we discuss that in our project record.

MS. EDWARDS: All right. We have about 20 minutes left. So, I'm going to ask that the cards that are up stay up and we'll get as far as we can moving around the table. I think the next person, actually, though, was Dennis.

DENNIS: I have a quick question on the work flow that you have. Will these cases that you're talking about, these litigated cases, will the work products

eventually be implemented through Bulletins Live?

UNIDENTIFIED MALE: Through Bulletins Live? Yes.

DENNIS: Okay. And is there ongoing work with other endangered species? We've got these two bulletins coming up now, but are there other independent of litigation? Are you expecting more of those or is litigation going to be covering that, the mainstay at this point?

UNIDENTIFIED MALE: We have litigation, you know, which is what we're responding to in the biops. We would expect the implementation to occur through Bulletins Live. Then, in the registration review, since our ultimate goal is to have the endangered species requirements implemented in registration review, that may be expressed -- that may be implemented through the labels as part of the re-registration decisions. That would be, if we meet our goal of working through registration review, how that would come to pass.

DENNIS: I guess I was just trying to get an idea of what will be coming out next? Is it most likely these cases that you're talking about?

UNIDENTIFIED MALE: Yeah, the cases. What you'll see from us next will be our implementation decisions on the biological opinions. Those will be implemented at this point through Bulletins Live.

MS. EDWARDS: Caroline, is that your card up?

CAROLINE: I just had a quick question. In addition to posting that first bulletin, what will you do to inform users of those chemicals about the existence of the bulletin? How will you get the word out to them?

UNIDENTIFIED MALE: It'll be on the label and then it'll be referenced as available in the bulletin. So, that would be the way. At this point, it will be reflected on the label.

CAROLINE: You don't have plans to do any work with the farming community in the area or, you know --

UNIDENTIFIED MALE: At this point, I don't think so. It might be something we want to think about.

MS. EDWARDS: Ultimately, it kind of ties in, to be frank, with the web base labeling. Basically, the label will have to say that in order to use this product, you have to check through whatever mechanism and the web will be the easiest way, I think, to find out whether or

not there are restrictions in your area.

I think there was another card down there that got missed. Is that you, Carolyn?

CAROLYN: I wanted to quickly say that I think it's really wonderful to see the agency coming in compliance with the Endangered Species Act. It's been a long time coming. I also think that just in terms of -- even if there wasn't a legal mandate in terms of EPA's goal of protecting the environment, this is a really important issue and I'm really glad to see it finally being implemented.

I wanted to ask a question. When I talk to people about Endangered Species Act issues, I often get this response which is, you know, I'm really glad that we're protecting famine or salamanders or whatever it is, but I don't understand why there are buffers for baby fish and there aren't buffers around my kids school. I actually don't have a really good answer to that question. I was hoping maybe one of you could give me a better answer than what I use.

MS. EDWARDS: Well, a couple of things. One is that if you've been following our fumigant decisions,

you'll know that we're looking at buffers for fumigants, which are probably the most volatile pesticides that move off site. We're also looking at what we need to do potentially for semi-volatile chemicals. That's a little more long term, but we're going to have an SAP meeting on that later this year.

I don't know whether or not buffers would be part of that, depending on what the chemical was and what the risks turned out to be. But we're looking into both of those areas. Then, I think if we felt that there was a risk issue potentially from a spray drift issue, we would put a buffer.

I don't know how frequently we've done that, but obviously spray drift is going to be a big area as we move forward in the coming year or so in determining standard labeling statements and individual pesticide statements as well. So, I'd recommend you stay tuned to that. I think your issue is definitely on our radar screen.

BETH: I'm just curious in looking at fomesafens since we have to respond to that. It looks like there's a 60-day comment period. I thought under

reg review, we were supposed to get 90.

UNIDENTIFIED MALE: Yeah, I don't -- does anyone from SR --

MS. EDWARDS: It's 60 but sometimes people ask for extensions. So, we have options.

BETH: Okay, thanks.

UNIDENTIFIED MALE: Thanks for being brief. I go back to my favorite subject on the Bulletins Live issue and the fact that you're going to put those first bulletins up fairly close. What language are you going to require on the intrepid level to guide people to know that they've got that responsibility at this point? How soon will that show up on those labels?

Is it going to say -- determine that there's risks in endangered species in Wisconsin and Michigan, so those are the growers that know they have to do it or is it going to be a requirement that every grower who uses intrepid has to look up to determine if in fact they are in Wisconsin and Michigan and covered by the issue?

UNIDENTIFIED MALE: I think it's that there will be a notice on the label and then you'll have to go to the Bulletins Live and look up what the requirements

are. Now, I'm not sure that responds directly to the -- I may not be able to answer exactly, to be fair, but I was hoping to get the question right.

UNIDENTIFIED MALE: Yeah. It's one of the points that I raised a long time ago on the Bulletins Live issue. The way I understood it it would be a simple statement on the pesticide label that says this pesticide has triggered endangered species concern or has jeopardy. Then, every grower who has that label is then required to go to the web site to see if their county of use is recovered under those mitigation steps. That creates a legal obligation to be able to prove that they've gone to that web site from an enforcement statement.

It's been one of the questions I've had since day one on how you're going to focus this to be sure that it meets the needs of what the program needs to have done and actually get to those people who are located wherever the Karner blue butterfly and the Hine's emerald green dragonfly are which is what this particular set of mitigation steps are directed to.

UNIDENTIFIED MALE: I assume any enforcement would be focused in the states where the butterfly is

present. But I think we do expect that when we find endangered species concerns with the pesticides that we want growers to be attuned to that concern and to be checking Bulletins Live and to become familiar with it because we think it's going to be something that's going to be used relatively frequently in the future. So, it should be something that grower familiarize themselves with.

UNIDENTIFIED FEMALE: Follow up for Dan. I think the question is, is the label specifically going to mention the state for which that jeopardy is or is it going to be a blanket statement? So, if it's only Washington, Oregon and California and you don't have salmon, is there just going to be a statement that says there's jeopardy for endangered species, period, and you need to go check the web site?

UNIDENTIFIED MALE: I think the latter is a single statement that would say, you know, you must comply with the endangered species bulletin for your county. Check that on the label.

UNIDENTIFIED FEMALE: So, basically, any applicator in the future that picks up a product that has

a statement that says there's an endangered species jeopardy, they must go to a web site? We just discussed this with web distributed labeling and the access to web sites -- before they could even use that product. Even though that jeopardy had no bearing in their state at all, they would have to go to a web site before they know they could legally use that product?

UNIDENTIFIED MALE: I do think that's ultimately what the expectation would be because I think this is -- now, your question is is there going to be an enforcement issue surrounding that? I think, as I said, I think our enforcement folks -- it's going to be on where the endangered species is. But yes, I think we do expect the growers would -- when there is that restriction on a label, would familiarize themselves with that provision, would check the web site.

UNIDENTIFIED FEMALE: There is a difference between will familiarize themselves and they legally have go to go that label to see if that species and that is there. There's a big big difference. If every application -- if that statement is on the label, every applicator would have to find out if there was anything

in their area. So, that means every applicator has to have access to the web site or every applicator has to call a toll free number before they can even decide whether they can use that product.

UNIDENTIFIED MALE: Well, I think they should find out what -- if, in fact, there is that restriction on a label, there is a possibility that that restriction might be in their state. And they should find that our first.

UNIDENTIFIED MALE: I strongly suggest that as labels are revised, at least the state be listed on that label so that the other 49 states -- if it isn't in their state, those applicators aren't having to go and find out whether it is. That makes web distributed labeling look easy.

UNIDENTIFIED FEMALE: I don't know if I'll add any clarity or not to the discussion, but some of the concept in moving through into the decision making may not be that every single time you use Bulletins Live as the way to ensure that compliance of endangered species has come in. (Inaudible) registration review and he's doing national assessments. There may be some scenarios

where the label language will suffice in terms of use rates and other things. You may not even have to go to a visual display of the outcome of the label to be compliant.

I don't know exactly how the Karner blue and the Hine's emerald dragonfly will play out, but (inaudible) scenario could be if those species only reside in certain places of Wisconsin and Michigan, the decision can say if you're in Wisconsin and Michigan where these two species reside and for which we have to do extra stuff, you need to click on www to see if you're in those counties in Wisconsin or those subcounties in Wisconsin.

We're going to try to work through, as Don and Mark and them described in their conversation, this is a multi-commentatorial hyperspace of species pesticides use patterns. We're going to try to figure out the most efficient way to get the right information to people that's useful for the growers and enforceable as appropriate.

UNIDENTIFIED FEMALE: I think it's critical. Let's just say 10 years from now there's a particular

product that has 69 jeopardies. All 69 of those species probably should be listed on the label so that that person would know if there was even some merit that they heard about.

MS. EDWARDS: Yeah, I think it's going to require some education. It's going to be a challenge, obviously. But our goal in having something that you could get to that was very locally based was part of our goal around endangered species, which is you have full compliance with the Act but you keep the impacts on agriculture as localized as possible that will allow you to do that. So, we'll have to figure out how to do that practically. That was the mechanism that we came up with.

To the extent that the mitigations are, at the moment -- see, what we don't know about with methoxyfenozide is we've done the assessment for those two species. We have not done it for anything else. So, as you get more and more potential for other locations and other species, your label could go back to being -- if you think you already have 50 page labels, you could talk -- if you wanted to keep it very local mitigation,

you could end up with 1,000 page labels. So, that's why we're trying to find a mechanism for people to move out. In this particular case, I think we can make it pretty specific and look at that.

Jay, I think you were next, and then Carolyn. We may have to close off after that, actually.

JAY: So, we have something from the FQPA era called smart meetings where registrants participated in certain stages of evaluation. There were other stakeholder access points. How is that -- is there any parallel at the intersection of the Services in EPA as progress is made in analyzing the issues on the table on any individual compound, either leading up to the biops or in the next stages now in progressing forward just to allow real time interaction, particularly with the registrants who presumably know the most about their compounds, the label uses and practical applications on a day to day basis?

UNIDENTIFIED MALE: This is one of the things that we're actually working out as we go. In both of these biological opinions that are now final, there were meetings with the registrants and NOAA with EPA in the

room. Their regulations of the Services provide the "applicants" with the ability to provide comments to the Services on the draft. That did happen on the first two. It happened in very compressed time frames because I think we were all learning, us the registrants as well as NOAA, on these first two.

But we have been going through a process with them for the next biops that will be completed to identify the registrants so the registrants can get a little sooner notice that this is coming down the pike and have a chance to participate in those conversations.

MS. EDWARDS: Carolyn, you get the last word.

CAROLYN: I just had a quick question. You did a very good job of explaining what your experience and track record is with NMFS. But other than the letter that you received from Fish and Wildlife declining to consult on 45 different cases, do you have any track record yet of working that actively with Fish and Wildlife?

UNIDENTIFIED MALE: I've been here about a year in OPP. We have had in my time active discussion with them on these issues. But in my time we haven't received

a biological opinion from them. There may have been earlier ones. I don't think -- not in the recent history I think is the way I would answer that, yes.

MS. EDWARDS: All right. Well, thank you again for an excellent discussion around this topic. I appreciate your insight.

At this time, I would like to move into -- we have two public commentors. So, I think it might make sense for them to just come up here to this chair to speak. The first one is Cheryl Baldwin (phonetic) of Green Seal.

MS. BALDWIN: Hello, and thank you for the opportunity to provide comment. My name is Cheryl Baldwin and I'm the vice president of Plants and Standards at Green Seal. My comments are going to be related to the work group on the comparative CP statements and specifically on the aspects that relate to the logo program that was discussed earlier today.

Just to begin with, Green Seal is an independent, nonprofit environmental certification program. We've been helping identify environmentally preferable products for over 20 years. Our program has

been cited widely for purchasing organizations and specifying reasons to help identify environmentally preferable products. A quick example that relates to the discussion today, that Green Seal is the most cited program, actually, as it relates to cleaning products by state and big government purchase programs.

So, we are very supportive of the progress that has been made over the last year by the working group to rethink the approach with environmental claims and environmental certification programs. We're satisfied to see that there's progress being made in that area.

But we do have a few concerns that I'll express briefly today. I'll just begin with a statement that we have submitted some process related concerns in September. I don't want to go into detail today because I do have a limited amount of time.

One component is that there has been limitations on the stakeholder groups that have been engaged in the work to date. There are some key stakeholder groups that we feel are not represented at all, if adequately represented. One of those the state programs that are identifying environmentally preferable

products. They're not represented, nor are environmental certification programs like Green Seal.

This comes to a point because -- I'll just emphasize one of the comments made earlier that state and government programs are looking to specify environmentally preferable products to a great extent, so their absence on the work group is a concern.

What we've heard from these particular stakeholder groups is that they're looking to environmental certification programs specifically in their work because those programs fit their needs best. There's a number of reasons why but I'll emphasize two main points.

One is that these programs have standards that were developed with a broad and open stakeholder group. The compliance to those standards includes not just looking at the product and its ingredients but also going to the manufacturing facility and checking ongoing compliance so there's a more comprehensive evaluation that's included in that. So, it's a little concerning to us to see that the selection of a program that is not a certifying program is currently the recommendation of the

work group.

It seems a little arbitrary knowing that just at the onset the majority of people looking for this guidance are not going to have their needs met because they are using third party environmental certification programs for the way they specify environmentally preferable products.

So, we would strongly recommend that as this program moves forward from today forward, that environmental certification programs like Green Seal be included in the implementation of these types of logo programs for registered products.

I'll just end with that. Thank you.

MS. EDWARDS: Thank you. Our next commentor is Scott Jackson (phonetic) from the BASF Corporation.

MR. JACKSON: I'd like to thank the panel for the opportunity to make a comment. I'm Dr. Scott Jackson and I'm with the stewardship group at BASF. We're the registrant of headline fungicide. We just want to make a brief comment about the use of the term plant health.

Historically, what's happened with fungicides is older compounds were curative in nature and newer

generation compounds are preventative. So, BASF started calling really to help the user community understand how these compounds are used. We started calling these preventative compounds under the term of plant health.

As we started using this term in the grower community, we received comments from state regulators regarding this. Of course, probably many of you are aware you cannot just revise a federal label to include a term on it without going through the formal process. So, that's, in fact, what we have done. So, that's resulted in this term being added to our existing headline fungicide label.

Really, the whole goal for this is just an attempt to add clarity to the use of these products. I would like to state that if you think about soy bean rust, there is an active monitoring program that goes on by the federal government and that's done for several reasons, to help people identify when to properly use these products so that they aren't just used -- to use a term -- willy nilly; they're used where there's a reason to use them. That's based on history. It's based on expert opinion from crop advisors and the presence of

normally spores that are actually actively monitored for them.

So, that was basically the extent of our comment. Just the use of the term plant health is just been used by us to try and help people using these products to understand the difference between a curative and a preventative fungicide.

MS. EDWARDS: Thank you. All right, that pretty much closes us out for today except for we were going to talk a little bit about planning for next meeting. I don't know that we have time to do much of that. What I was going to suggest, though, is that we do some of this via e-mail.

I believe that it helps to have more time to discuss specific topics. We attempted to move in that direction in this session and to have more panel presentations with just a couple of brief updates. I still think it's a possibility that we tried to do too much. So, I think there's a lot of interest and there's a lot of issues, obviously. I don't expect that will decrease in the future.

So, we have a couple of options. We could

consider extending the meeting a little bit into the afternoon in the future. We could consider having -- I have often thought it might make sense to have one key topic the morning of the first day, one key topic the afternoon of the first day, and one key topic the morning of the second day so that you cover three major topics, handle most of the rest of it through written materials.

But I think that's too much for us to get into in great depth today. So, probably what I'll ask Margie to do at some point is we'll pull together as the time approaches some topics that we think are hot and get your almost like multi-voting on them, bearing in mind that the major purpose of this committee is to provide advice to us. So, occasionally, we're going to decide what we want to talk about or, more to the point, what we want to hear from you about because we're seeking advice from this multi-stakeholder FACA committee.

So, let's just begin to think about that now, whether that makes sense or not. Then we'll just move on.

The other thing I wanted to mention since headline was broached again here, just so that you're not

left thinking the agency isn't engaged in this at all, we have received a letter relatively recently, within the last couple months, from a number of university plant pathologists throughout the midwest concerned about these claims. Their major concern that they expressed in that letter was the possibility for overuse resulting in resistance development which could then result in actually less effectiveness of the product which could cause it to be lost as a lower risk fungicide tool.

So, we are looking into that. What we will do is -- looking into the whole issue, by the way, not just that aspect. But that was the major concern expressed in that letter. We will make that letter public along with our response at some point in the next few months. I just wanted to let you know that we are focused on that and this is not the first time we've heard of those concerns.

So, I guess with that, I'd like to ask Margie to come up here. I want you to be able to see her. So, first of all, I'd like to thank the entire committee. I think you've been very very engaged this last day and a half. We really appreciate all of your active

participation, a lot of enthusiasm, I think, in the room. If anything, we had to cut you off as opposed to try to get you to participate.

In addition, we really appreciate that we get diversity in the views. I think all of our stakeholder sectors stepped up to the plate and participated in this meeting, and that's the whole objective here. So, we really do appreciate that.

I'd like to particularly thank the work group members. Work group members put in a lot of extra time. I think we found in this committee that we get some of our best work done that we can actually take and run with through these work groups. So, we really appreciate those of you who have volunteered and then not just volunteered but showed up for the meetings and took the time to commit your time to participating and providing us input and recommendations to bring to this larger panel through those work groups.

I'd like to thank the public for participating. I think that's important as well. This is a public meeting. It's part of the way our government functions. We seek to be very transparent in this program, so we

like having these public FACA meetings. I hope we can do more, as I mentioned in the opening remarks.

I'd like to definitely thank all of the OPP staff and management that put so much hard work into preparing for this meeting, chairing work groups, preparing presentation materials and so on and so forth.

I think the person I want to thank the most is the one I asked to come to the table. That's Margie Fehrenbach. Margie does an enormous amount of work. This is one of the biggest FACA meetings in the agency. It's very complex to run. She sits over there and you don't see that she's trying to make sure everything works. I think she's very responsive to all of you. None of the logistical problems we had at this meeting had anything to do with her. So, please give her a round of applause.

(Applause.)

We have a meeting with some of the NGOs this afternoon. It was supposed to start at 12:30. I'm going to suggest to you that you go find yourself some food. Oh, Margie is getting you sandwiches. See what I mean? Try to get up there by around 20 to 1:00 since she's

actually going to get the food in that case. So, we can start that a little bit late.

Anyway, I appreciate all of you coming today. What does Margie want me to tell you? Oh, tentative dates for the next PPDC meeting are October 14th and 15. So, please mark your calendar, October 14th and 15.

So, thank you very very much and have a great afternoon.

(Whereupon, the meeting was concluded.)

I, Marilynn H. McNulty, do hereby certify that the foregoing transcription was reduced to typewriting via audiotapes provided to me; that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were transcribed; that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of the action.

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