

US EPA ARCHIVE DOCUMENT

**CONFERENCE CALL SUMMARY
AZM SPRAY DRIFT LABEL LANGUAGE**

DATE: Friday, November 22, 2002

TIME: 12:00-1:30 pm EST (9:00-10:30 am PST)

LOCATION: EPA, Office of Pesticide Programs, Arlington, VA, Crystal Mall 2, Room 650

CALL-IN NUMBER: (202) 260-8330, access code is 3147 #.

PARTICIPANTS:

IN PERSON:

EPA: Anne Lindsay (OPP/FEAD), Jay Ellenberger (OPP/FEAD), Debbie Edwards (OPP/RD), Margaret Rice (OPP/SRRD), Richard Dumas (OPP/SRRD), Jackie Mosby (OPP/SRRD), Veronique LaCapra (OPP/SRRD), Dave Stangel (OECA/OC)
Rachel Carson Council: Diana Post

ON THE PHONE:

Agricultural Resources Center, Pesticide Education Project: Fawn Pattison
Beyond Pesticides: Jessica Lunsford
California Rural Legal Assistance Foundation: Anne Katten
Californians for Pesticide Reform: Tracey Brieger
Columbia Legal Services: Carol Dansereau, Griselda Vega
Comite para Bienestar de Earlimart: Teresa DeAnda
Community & Children's Advocates Against Pesticide Poisoning: Lynda Uvari
Environmental Advocates: Audrey Thier
EPA: Pat Cimino (OPP/IO), Norm Birchfield (OPP/EFED), Mary McDonald (OECA/ORE), Karen Heisler (R9)
Minnesota Dept. of Agriculture, SFIREG, AAPCO: Paul Liemandt
Natural Resources Defense Council: Aaron Colangelo
Northwest Coalition for Alternatives to Pesticides: Aimee Code
NY State Attorney General's Office: Judy Schreiber
Pesticide Action Network: Susan Kegley
United Farm Workers: Erik Nicholson
Washington Toxics Coalition: Erica Shreder

PURPOSE: To hear the individual of concerns of each environmental and worker rights group related to the proposed spray drift language for azinphos-methyl, to share EPA's perspective with these stakeholders, and to discuss EPA's thinking about a path forward that will enable EPA to come to closure on the interim AZM labeling and ultimately proceed with a re-proposal of a Spray Drift PR Notice.

CONFERENCE CALL AGENDA: See attachment #1.

CONFERENCE CALL SUMMARY:

The conference call began at approximately 12:00 P.M. with introductions.

EPA described the goals for the call, and some of the background of the azinphos-methyl reregistration process leading up to the proposed interim spray drift label language for azinphos. EPA also summarized the related yet independent process for revising the Spray Drift PR Notice, emphasizing that the spray drift label language for any chemical undergoing registration or reregistration prior to the finalization of the PR Notice would be determined by EPA on a case-by-case basis, based on the risks of the chemical.

The representatives from environmental and worker groups participating in the call stated the need for a “no drift” statement on pesticide labels. Several participants said that a generic statement that introduces a standard of “may cause adverse effects” or any other risk-based standard would put an undue burden on enforcement and make it even more difficult than it currently is for States to carry out drift enforcement actions.

Some participants also said that a “no contact” standard must apply to all non-target sites. If non-target sites are listed on the label (as in the MOA language, see attachment #2), then the list should end with “and all other non-target sites.” One participant emphasized that a “no contact” standard was insufficient and that the label should require a “no drift” standard, and suggested the following modification to the MOA generic drift statement:

“Do not allow spray to drift from the application site or to contact people, structures people occupy at any time and the associated property, parks and recreation areas, non-target crops, aquatic and wetland areas, woodlands, pastures, rangelands, animals, or other non-target sites.”

The following generic drift statement was not specifically suggested by a meeting participant but reflects comments provided by a number of participants over the course of the conference call:

“Do not allow spray to drift from the application site or to contact people, animals, or other non-target sites.”

Several participants expressed concern that label statements (WPS, drift prohibition, etc.) often are not followed and thus are not an accurate reflection of “real world” application conditions. A number of participants said that in their experience, drift occurs on a regular basis, and it is often difficult and resource-consuming to leverage an enforcement response from state and local agencies.

Some participants stressed the need to shift the burden of proof from the recipient of drift to the person responsible for causing the drift. Several participants explained that currently, the recipient of drift carries the burden of having to substantiate non-compliance.

Specifically, some participants suggested that violation of detailed, specific Best Management Practices (BMPs), such as required no-spray buffer zones around residential areas and schools or maximum windspeeds, should result in an enforcement response whether or not drift is documented. These enforceable BMPs would not replace the “no drift” generic spray drift statement, but would provide States with the ability

and the obligation to take enforcement action in cases where the BMPs were not complied with.

Several participants pointed out that States currently are struggling under resource constraints that limit their ability to carry out field regulatory control. Since field presence already is limited relative to the number of drift incidents actually occurring, the possibility that the number of enforcement actions would increase in the future seems remote. According to these individual participants, the label needs to provide a clear message that drift is not acceptable, in order to support the general public's ability to seek and obtain redress for incidents that otherwise would not be addressed.

The conference call ended at approximately 1:45 P.M.

Submitted by Véronique LaCapra, Chemical Review Manager for azinphos-methyl.