

US EPA ARCHIVE DOCUMENT

**MEETING MINUTES
AZM SPRAY DRIFT LABEL LANGUAGE**

DATE: Thursday, November 7, 2002

TIME: 2:00-4:00 pm EST

LOCATION: EPA, Office of Pesticide Programs, Arlington, VA, Crystal Mall 2, Room 1123

CALL-IN NUMBER: (202) 260-7280, *AZM Spray Drift* conference call.

PARTICIPANTS:

IN PERSON:

Agricultural Retailers Association: Seaver Sowers

American Farm Bureau: Rebeckah Freeman

American Landscape and Nursery Association: Geoff Galster

Bayer Crop Science: Wayne Carlson, Jim Kunstman

Capanalysis for Makhteshim-Agan North America: Saskia Mooney

Crop Life America: Elin Peltz

EPA: Lois Rossi (OPP/SRRD), Margaret Rice (OPP/SRRD), Jackie Mosby (OPP/SRRD),
Veronique LaCapra (OPP/SRRD), Jay Ellenberger (OPP/FEAD), Jim Roelofs
(OPP/FEAD), Norm Birchfield (OPP/EFED), Rick Keigwin (OPP/RD), Pat Cimino
(OPP/IO), Suzanne Krolikowski (HQ/OGC)

McDermitt, Will and Emery for the Minor Crop Farmer Alliance: Ed Gray, Ed Ruckert

McDermitt, Will and Emery for the National Potato Council: Jerry Hill

National Agricultural Aviation Association: Andrew Moore

National Cotton Council: Keith Menchey

Schramm, Williams and Associates for the CA Pistachio Commission and the CA Almond
Board: Gabriele Ludwig

Texas Department of Agriculture: Donnie Dippel, Debbie Dawford

U.S. Apple Association: Nancy Foster, Jim Cranney

USDA: Al Jennings

ON THE PHONE:

California Minor Crop Council: Lori Berger

California Pear Advisory Board: Bob McClain

EPA: Karen Heisler (EPA/R9), Garret Wright (EPA/R10), Jack Neyland (OECA)

Gowan Corporation: Cindy Baker

Minnesota Dept. of Agriculture and SFIREG: Paul Liemandt

Northwest Horticultural Association: Mike Willet

PURPOSE: To hear the individual concerns of each of the grower groups 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.

MEETING AGENDA: See attachment #1.

MEETING SUMMARY:

The meeting began at approximately 2:15 P.M. with introductions.

EPA described the goals for the meeting, 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.

A number of meeting participants expressed frustration that the language proposed in the Spray Drift PR Notice would be used as the basis for any product label language prior to the reproposal and finalization of the Notice. Several participants stated that they previously had been assured by EPA that the PR Notice language had been withdrawn and would not appear on labels.

Some participants stated that any label language that sets a standard of "zero drift" is unacceptable to pesticide applicators and growers, because such a standard is impossible to meet under actual field conditions. A number of others agreed. EPA responded that it is understood that some *de minimis* level of drift usually will occur as a result of pesticide applications. In practical terms, enforcement actions do not result from the occurrence of drift, but rather from the occurrence of harm or the possibility of harm resulting from drift.

Several meeting participants discussed the need for interim label language that would be used on all products until the process for the Spray Drift PR Notice has been completed. These participants asked that this language allow for enforcement to occur in the case of drift causing harm or unreasonable adverse effects, but not in the case of contact alone. An option of having stronger drift protections for certain non-target organisms (humans, endangered species, domestic animals) than others was proposed by one of the participants and then discussed. In addition, several participants raised questions about the Best Management Practices (BMPs) on the azinphos-methyl label, and said that they thought that BMPs should either be absent from labels, or presented as advisory statements rather than as legal requirements.

EPA responded that in cases where the potential for harm is substantial, label language must allow for appropriate enforcement. In the case of azinphos-methyl, a pesticide which EPA's risk assessments show to be toxic to non-target organisms, including wildlife and humans, the potential for harm is such that clear, enforceable label directions to control spray drift are necessary.

In addition to removing the BMPs or making them advisory, various participants also suggested that the generic statement for azinphos-methyl be modified, using the AAPCO generic statement as a starting point (see attachment #2). Suggested modifications included:

“Do not apply this product in a manner that allows spray to drift from the application target site and cause unreasonable adverse effects to humans, animals, or other non-target sites.”

“Do not apply this product in a manner that allows spray to drift from the application target site and cause significant risk of harm to humans, animals, or other non-target sites.”

“Do not apply this product in a manner that allows spray to drift from the application target site and cause unreasonable risk [of harm] to humans, animals, or other non-target organisms and sites.”

In general, most of the individual participants wanted the generic drift statement to allow for enforcement only in the case where drift results in significant risk of harm or unreasonable adverse effects. EPA noted that the use on the label of the statement “unreasonable adverse effects” would be problematic since “no unreasonable adverse effects” is the standard for registration and assumes a risk-benefit assessment. EPA agreed to consider alternate generic statement options supplied by USDA and other participants over the course of the meeting.

The meeting was adjourned at approximately 4:30 P.M.

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