



# Newsletter

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## PESTICIDE NOTES

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**Consumer alert: Raid Flying Insect Killer**  
S.C. Johnson Company has informed EPA that they are recovering two specific lots of Raid Flying Insect Killer due to unacceptable performance. While there have been no reports of injury or damage to property, tests show that the aerosol cans may not spray an appropriate amount of the insecticide, and therefore reduce its effectiveness. The company also believes

that some cans in question could develop leaks over time. EPA encourages consumers who have aerosol cans of Raid's Flying Insect Killer (EPA Registration Number 4822-513) marked with lot numbers 225 or 226 on the bottom of the can to call the S.C. Johnson Hotline at 1-800-294-3632 for disposal instructions and full value replacement coupons. All other lot numbers of Raid's Flying Insect Killer and other

Raid's products are not involved in this voluntary recovery, and consumers may continue using those products according to label instructions. The manufacturer's announcement may be viewed at:

[http://www.scjohnson.com/family/fam\\_pre\\_pre\\_news.asp?art\\_id=109](http://www.scjohnson.com/family/fam_pre_pre_news.asp?art_id=109) (English)

[http://www.scjohnson.com/family/fam\\_pre\\_pre\\_news.asp?art\\_id=110](http://www.scjohnson.com/family/fam_pre_pre_news.asp?art_id=110) (Spanish)

EPA applauds S.C. Johnson for its product stewardship in this voluntary recovery effort. [OPP Update 11/21/2003]

**National Roadmap to IPM** – For the past couple of years, the IPM community has been aware of the National Roadmap to IPM, the result of a report by the U.S. General Accounting Office (GAO). Under the sponsorship of Senator Patrick Leahy of Vermont, GAO conducted an audit of USDA's IPM program in 2000-2001 to determine if USDA had met the goals of the IPM Initiative set in 1994. The main goal of this initiative was to foster the adoption of IPM practices on 75% of U.S. crop land by 2000. An anticipated outcome of achieving this goal was a reduction in pesticide use.

From 1994 through 2000, IPM adoption on U.S. crop land increased from 40% to around 71%, nearly reaching the stated goal, according to a survey designed and administered by USDA. However, total pesticide use, measured as pounds of active ingredient, increased approximately 4%. Therefore, GAO concluded that even though the adoption goal was nearly reached, the desired outcome was not obtained because pesticide use did not decrease. Based on interviews with GAO, USDA and others, GAO explained that the use of pesticides listed as most risky by EPA had been reduced by 14%

during the same time frame. In this case, pounds of pesticides used may not offer the most appropriate measure of success of IPM programs in reducing pesticide risks.

Nevertheless, GAO concluded that, "The IPM initiative is missing several management elements identified as the Government Performance and Results Act (GPRA) that are essential for successful implementation of any Federal IPM efforts; coordination of IPM efforts is lacking among federal agencies and with the private sector; the intended results of these efforts have not been clearly articulated or prioritized; and the methods for measuring IPM's environmental and economic results have not been developed. Until these shortcomings are effectively addressed, the full range of potential benefits that IPM can yield for producers, the public, and the environment is unlikely to be realized."

In response to the GAO Report, USDA began drafting the *National Roadmap to IPM*. The Roadmap identifies strategic directions for research, implementation, and measurement activities needed to ensure that full benefits of IPM adoption are realized. The latest version of the *National Roadmap to IPM* is available at <http://www.nepmc.org/national/roadmap/june172003.html> [PESP Update 5(2):4]

**EPA science projects database** – EPA'S current scientific and technical efforts are cataloged in a searchable, Web-accessible database launched by the agency recently. Called the Science Inventory, the database includes descriptions of ongoing projects, contacts for additional information, the status and type of peer review for each project, and links to final reports and related research. EPA has used an internal science inventory for years to coordinate its research work, but this marks

the first time the information will be easily accessible to the public. The searchable science inventory is available at <http://www.epa.gov/si>. It also contains a link to EPA's archived scientific records, which have been publicly available for years. [CEN 81(47):20]

**Pesticide use by hospitals** – In “Healthy Hospitals: Controlling Pests Without Harmful Pesticides,” the organizations Beyond Pesticides and Health Care Without Harm (HCWH) report on results from a survey they distributed to the 171 top U.S. hospital facilities cited by *U.S. News and World Report* in 2001. Only 22 hospitals responded.

Of those 22, says the report:

- 100% use chemical pesticide products either on their grounds, inside the buildings, or both
- 91% use chemical pesticide outdoors
- 77% use chemical pesticide outdoors
- 73% hire a pest control company to manage the majority of the hospital's structural pest management program and 41% hire a pest control company to manage the majority of the hospital's grounds
- 36% use pesticide products that are no longer registered for use by EPA for the use in question (among these are products with active ingredients including boric acid, bendiocarb, metachlor, malathion, methoprene, permethrin, diazinon, bromethalin and brodifacoum)

- 18% use a pesticide product in which the active ingredient is being phased out by EPA due to unacceptable risk associated with its use.

Pointing to what they call encouraging news, the groups also include statistics they say indicate hospitals are reducing pesticide use and adopting right-to-know measures. Of the 22 hospitals that answered the survey:

- 91% have copies of the pesticide products' Material Safety Data Sheet available to staff for all pesticide products they use
- 77% keep records of structural pesticide applications
- 73% report using an IPM approach to pest management
- 64% have a written pest management plan
- 45% use one or more pesticide products containing boric acid, a least hazardous pesticide
- 27% have provided pesticide-poisoning training for their staff
- 14% post notification signs for both indoor and outdoor pesticide applications.

The report offers a closer look at integrated pest management plans used by Brigham and Women's Hospital in Boston and San Francisco General Hospital, and offers a list of steps that hospitals and government officials can take to

reduce pesticide use in health care facilities. Given the limited response, the groups contend the study is not intended to be “fully representative scientific data” but rather a “snapshot” of how some of the nation’s largest hospitals are handling pest control. [*PTCN* 32(4):13]

**IPM in schools update** – The first *National Integrated Pest Management (IPM) in Schools Update* was released to over 500 people in June. The readers and participants may be scattered throughout the country and come from a wide variety of disciplines, but they share an interest in implementing IPM in public and private schools. The *Schools Update* provides the latest information on IPM in school achievements, events, and lessons learned. Topics include potential funding opportunities, highlights of successful IPM activists and implementors, a list of events and conferences, along with a wide variety of other informational and editorial pieces. The *Schools Update* will be distributed every 2-3 months.

To sign up for the *Schools Update*, which is distributed by e-mail, contact Sherry Glick, Pesticides & Schools Coordinator, 703-308-7035 or [glick.sherry@epa.gov](mailto:glick.sherry@epa.gov) [*PESP Update* 5(2):2]

**Involving the public in pesticide policy documents** – On November 26, EPA published in the Federal Register a new Pesticide Registration Notice (PR 2003-3) on the procedures it intends to follow for involving the public when developing, modifying, and implementing pesticide program policy documents. The procedures also clarify that program policy documents are statements of Agency policy and not legally binding rules. The Agency emphasizes, however, that these policy documents play an important role in helping to ensure consistency in decision

making. The Agency believes that routinely providing an opportunity for public review and comment has not only helped stakeholders interact with its Office of Pesticide Programs more effectively, but also has improved the quality of the resulting pesticide policy documents. Another goal of this procedural guidance on policy development and refinement is to ensure that policy documents do not cross the line between policy statements and legally binding regulations.

A draft of this document was made available for public comment on March 12, 2003. The draft document setting forth pesticide program policy procedures, as well as EPA’s response to comments document are available through EPA's electronic dockets at <http://www.epa.gov/edocket/> and then select "search," and key in docket number OPP-2003-0054. You can view the Federal Register notice announcing the final document at: <http://www.epa.gov/fedrgstr>. [*OPP Update* 11/26/2003]

**Change limits farmers from suing pesticide-makers** – The Bush administration has adopted a new policy that aims to cut off farmers' ability to sue pesticide and herbicide makers when bug and weed killers don't work as promised on their labels and damage crops. The new position, not announced publicly, is a sharp reversal in federal policy toward hundreds of thousands of farmers or anyone else who might claim damages from pesticide use.

In recent years, the government generally has supported people's right to sue manufacturers of pesticides that are alleged to have harmed crops or not performed as promised. But the administration is taking the position that federal law bars such suits, according to legal briefs and an Environmental Protection Agency memo obtained by *USA*

*TODAY.* The new interpretation will carry great weight in the courts. Farmers who file product liability, or tort, suits on charges of pesticide damage must defeat the government's position. The policy shift is a huge win for the pesticide industry, which pushed for the change. Pesticide-makers face millions of dollars in suits each year alleging that their products caused damage.

Farm groups have mixed reactions to the new federal stance: some say there must be limits on lawsuits over pesticide performance or manufacturers will hesitate to experiment with new products that could help growers. Tom Buis of the National Farmers Union, which represents 300,000 independent farms, acknowledges the conflict. "But if a pesticide not only doesn't do what it says it's supposed to do, but also kills your crop, that could cost you a year's income. There has to be some legal recourse, and (this change) could really limit that."

The administration's shift is based on a reinterpretation of the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA]. The act directs the EPA to set label requirements for agricultural chemicals - warnings on use and safety - and bars states from setting stricter rules. Courts have had mixed opinions on whether the law preempts damage suits filed in state courts by farmers who have had bad results with a product. Many have ruled that pesticide-makers who comply with federal labeling rules are insulated from claims that they didn't warn of potential risks.

In 1999, the Clinton administration asserted that the labeling law did not block such claims. It took that stand in the case of some California walnut farmers who sought \$150,000 for damage to three orchards after they mixed two

pesticides that didn't warn against combined use. The farmers lost, but the federal position became an oft-cited legal pillar for farmers in other pesticide damage cases. [Recently], EPA General Counsel Robert Fabricant laid the legal basis for reversing the Clinton policy in a confidential memo. "Developments in the law and a reanalysis ... (of) the potential impacts of allowing such crop damage tort claims has led EPA to rethink the agency position," he wrote. The memo echoes arguments made by administration lawyers in a brief filed this year in a case before the U.S. Supreme Court. In that case, the administration said the court should nullify a pesticide damage suit brought by Texas peanut farmers who claimed their crops were destroyed after they used a manufacturer-recommended mixture of two pesticides. The court did not rule on the merits of the administration's position.

Douglas Nelson of CropLife America, a pesticide trade group, says the new federal stance "corrects a misread of the law." Erik Olson of the Natural Resources Defense Council says the change immunizes pesticide-makers from legitimate damage claims. The new policy also could bolster pesticide-makers' contention that federal labeling insulates them from suits alleging that their products caused broader health and environmental harm, Olson says. [*USA Today* 10/05/2003 via AAPSE Listserv posting 11/25/2003]

**Comment period extended for creosote and acid copper chromate** – On September 29, 2003, EPA issued a notice of receipt of requests by creosote and acid copper chromate registrants to voluntarily cancel certain pesticide registrations and/or to amend to terminate certain uses of affected products. Public comments in response to the voluntary cancellation request were due by October 29,

2003. However, based on comments received, the Agency published a notice in the November 26, 2003, Federal Register, extending the public comment period to December 26, 2003. The Federal Register Notice can be found at <http://www.epa.gov/fedrgstr>. [OPP Update 11/26/2003]

**Fenridazone potassium product to be canceled** – In the Nov. 5 *Federal Register* (68 FR 62582), EPA issued a notice announcing that Monsanto Co. of St. Louis has requested the cancellation of the firm's registration of its pesticide product Hybrex 2IC Chemical Hybridizing Agent, containing fenridazone potassium, methyl 1-(4-chlorophenyl)-1,4-dihydro-6-methyl-4-oxo-3-pyridazinecarboxylic acid, potassium salt. EPA issued a notice July 25 announcing Monsanto's request for voluntary cancellation of this product. No comments were received in response to the notice. [PTCN 32(3):13]

**Draft assessment on CCA-treated wood** – The Scientific Advisory Panel (SAP), a group of independent scientists who advise EPA on critical science issues, was scheduled to evaluate the Agency's draft risk assessment on pressure-treated wood on Dec. 3-5. The draft assessment evaluates the potential risks to children who play on playsets and decks made with wood pressure-treated with chromated copper arsenate (CCA). This draft risk assessment focuses on a number of new predictive models and data sources that have been used to better quantify and understand potential risks associated with exposure to CCA-treated wood. The Agency is asking the SAP to review these new approaches and to provide comments to further refine the draft assessment.

It is important to note the draft risk assessment findings are preliminary and subject

to additional analysis. Therefore, it is premature to reach conclusions about the potential for CCA-treated playsets and decks to contribute to cancer risk in children. In Feb. 2002, the manufacturers of CCA informed the Agency that they would voluntarily cancel their registrations for residential uses of CCA-treated wood. As a result of their voluntarily cancelled registrations, wood intended for uses such as playground equipment, decks, fences, walkways and landscape timbers cannot legally be treated with CCA after Dec. 30 of this year. In addition to the SAP review, the Agency is conducting a study on whether sealants can reduce or eliminate exposure to arsenic in CCA-treated wood as a further way to help consumers make informed choices around their home. Results from this study are expected in 2004. For further information, the draft risk assessment is available at: <http://www.epa.gov/scipoly/sap/>. For more information on CCA-treated wood, go to: <http://www.epa.gov/pesticides/>. [OPP Update 11/14/2003]

**Atrazine comments requested** – EPA is inviting public comment on the October 31 addendum to the Interim Reregistration Eligibility Decision (IRED) for atrazine, a herbicide. Atrazine is widely used on a variety of crops and nonagricultural sites. While the January 2003 atrazine IRED included measures to address potential human health concerns, the October addendum discusses ecological monitoring and risk mitigation in sensitive watersheds, the most current scientific information regarding potential effects of atrazine on amphibian endocrinology and development, and the potential association between atrazine exposure and the incidence of prostate cancer and other cancers in humans.

Official documents and other information related to the atrazine reregistration are available

on EPA's Web site at <http://www.epa.gov/oppsrrd1/reregistration/atrazine/>.

Concurrent with the release of the revised Atrazine IRED, the Agency also published its revised draft aquatic life criteria document for atrazine and is seeking views reflecting the latest scientific knowledge. Both Federal Register notices with instructions on how to submit comments are available on EPA's Web site at <http://www.epa.gov/fedrgstr>. The notices can be read and comments submitted through EPA's online public docket, EDOCKET, at: [http://cascade.epa.gov/RightSite/dk\\_public\\_home.htm](http://cascade.epa.gov/RightSite/dk_public_home.htm). EPA is accepting public comments on the atrazine IRED addendum and scientific views on the draft aquatic life criteria document until February 5, 2004. [OPP Update 11/26/2003]

#### **Preliminary risk assessment for creosote**

EPA is releasing for public comment its preliminary assessment regarding the potential risks associated with creosote. The assessment includes an evaluation of the potential risks to handlers and post-application workers from exposure to creosote. Creosote is a possible human carcinogen and is used primarily on utility poles and railroad ties. It is important to note that since this draft risk assessment is in the public review and comment phase, its findings are preliminary in nature and are subject to

additional analysis. It is, therefore, premature for EPA to reach conclusions about the potential for creosote-treated wood products to contribute to health risks in workers and handlers of this wood. EPA must receive comments, identified by Docket Number OPP-2003-0248, by February 3, 2004. The full preliminary assessment is available for public inspection in EPA's docket. The Federal Register Notice can be found at: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/December/Day-05/p30270.htm>. [OPP Update 12/05/2003]

**Voluntary cancellation of TBT** – EPA is announcing its receipt of requests for voluntary cancellation or termination of use from the two registrants that hold the manufacturing use product registrations for tributyltin (TBT) products used to formulate antifouling paints. Atofina Chemicals and Crompton Corporation have indicated that they will not sell stocks of TBT antifoulants after November 30, 2003. The requests are being made for economic reasons and in consideration of the development of efficacious alternatives, which should prove safer for marine life. For further information contact Jill Bloom at 703-308-8019. The entire text of this announcement may be viewed at: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/December/Day-05/p30165.htm> [OPP Update 12/05/2003]

[*Editor's note:* If you subscribe to *Just-In-Time Pesticide Information*, you received a notice in time to submit comments by the due date. To obtain a free subscription, follow the directions at the top of the access page for *Pesticide Notes* at <http://www.entomology.umd.edu/PesticideNotes>]

#### **References cited in this volume of Pesticide Notes**

- **AAPSE ListServ** American Associate of Pesticide Safety Education ListServ
- **C&EN** Chemical and Engineering News, 1155 16th St., NW, Washington, DC 20036
- **OPP Update** Update from Office of Pesticide Programs, EPA
- **PESEP Update** EPA's Environmental Stewardship Program
- **PTCN** Pesticide and Toxic Chemical News, CRC Press LLC, 1725 K St., NW, Washington, DC 20006-1401