



April 13, 2012

Dr. Steven Bradbury, Director
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N. W.
Washington, DC 20460

Re: Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Use Products

Dear Dr. Bradbury,

I am writing on behalf of the National Pest Management Association (NPMA) regarding the June 9, 2009 *Environmental Hazard and General Labeling for Pyrethroid Non-Agricultural Outdoor Products Notification* letter from Richard Gebken to the Program's pyrethroid registrants (a copy is attached for your reference). As you know, NPMA is the structural pest management industry's principal trade association representing approximately 6,000 companies in the U.S. that account for more than 80% of the domestic industry's revenues. These firms provide a wide range of services in residential, commercial, industrial and institutional settings, including the management of cockroaches, termites, spiders, bed bugs, spiders, "occasional invaders", stored product pests, rodents, urban wildlife, fleas, ticks and stinging insects. Management of these pests often involves the application of pesticides, including the non-agricultural outdoor use of pyrethroids. In fact, the outdoor use of products to control structural pests is growing increasingly common to minimize the use of products inside structures.

NPMA has a long and proud record of working with EPA and supporting Agency actions that mitigate unnecessary risk to human health and the environment, including rodenticide risk mitigation, transition from organophosphates, endangered species labeling, aluminum phosphide, and the phase-out of methyl bromide critical use exemptions. Similarly, we support Agency initiatives to minimize the potential for runoff or drift of PCO uses of pyrethroids into urban surface water.

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The aforementioned letter to registrants regarding label changes to non-agricultural, outdoor pyrethroid uses was not, to the best of our knowledge, the product of a typical Agency notice and comment period and no opportunity was provided to applicators to participate in the process. Though we concur with many of the requirements of the “label tables” attached to the letter, had we been given the opportunity to provide constructive input, there are several clarifications we would have requested and at least one use pattern that we believe should have been preserved, in certain circumstances. The purpose of this letter is to initiate that discussion.

I. Clarification: Environmental Hazard Advisory Statements

The label table contains four new environmental hazard statements, one each for liquid concentrates, broadcast granular products, dusts and liquid ready-to-use products. All are highlighted in yellow below. These, in our estimation, are all written in *descriptive or nondirective terms* to support other mandatory statements or provide information and should, accordingly, be regarded as advisory in nature and do not constitute mandatory, enforceable label directions. While we acknowledge that these are good practices and will encourage members to comply where possible, statements like “calm weather” and “rain is not predicted for the next 24 hours” would be difficult to understand and consistently comply with.

Question: Can you affirm that the highlighted phrases are advisory?

Environmental hazard statements on Liquid Concentrate consumer outdoor products (e.g., liquids mixed with water by the user for a tank sprayer or hose-end attachment)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Rinsing application equipment over the treated area will help avoid run off to water bodies or drainage systems.”
Environmental hazard statements on Broadcast Granular consumer outdoor products (e.g., ready-to-use granular products which may be combined with fertilizers and broadcast applied with a drop or rotary spreader)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area. Sweeping any product that lands on a driveway, sidewalk, or

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	street, back onto the treated area of the lawn or garden will help to prevent run off to water bodies or drainage systems.”
Environmental hazard statements on Dusts consumer outdoor products (e.g., for garden or ornamental)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”
Environmental hazard statements on Liquid Ready-to-Use consumer outdoor products (except aerosols)	“To protect the environment, do not allow pesticide to enter or run off into storm drains, drainage ditches, gutters or surface waters. Applying this product in calm weather when rain is not predicted for the next 24 hours will help to ensure that wind or rain does not blow or wash pesticide off the treatment area.”

II. Clarification: “Do not water the treated area to the point of run-off.”

The revised use directions for granular formulations, liquids, dusts and ready-to-use products contain the statement “do not water to the point of run-off” or “do not water the treated area to the point of run-off.” These are highlighted in yellow below. We understand these statements to prohibit the applicator from “watering to the point of run-off.” Applicators, however, have no ability to control actions taken by a customer or others subsequent to an application.

Question: Can you confirm that if the applicator does not “water to the point of run-off,” but the customer or another person does water the treated area subsequent to the application, the applicator has not violated the label directions?

Additional Application Restrictions For Outdoor Use	<p>Requirements for Granular Formulations labeled or intended for outdoor residential uses: “Apply this product directly to the lawn or garden area. Water treated area as directed on this label. Do not water to the point of run-off.”</p> <p>“Do not make applications during rain.”</p> <p>Requirements for Liquid, Dust, and Ready to Use Formulations products labeled or</p>
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	intended for outdoor residential uses: “Do not water the treated area to the point of run-off.” “Do not make applications during rain.”
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III. Justification and language for limited use pattern

The revised use directions also limit surface and space sprays to spot and/or crack and crevice treatments, other than applications to soil or vegetation around structures, applications to lawns, turf or other vegetation and applications to building foundations to a height of three feet (which has since been clarified in an October 25th letter from the Agency to the California Department of Pesticide Regulation).

Additional Application Restrictions For Residential Outdoor Surface and Space Sprays, except for outdoor fogging devices.	“All outdoor applications must be limited to spot or crack-and-crevice treatments only, except for the following permitted uses: (1) Treatment to soil or vegetation around structures; (2) Applications to lawns, turf, and other vegetation; (3) Applications to building foundations, up to a maximum height of 3 feet. Other than applications to building foundations, all outdoor applications to impervious surfaces such as sidewalks, driveways, patios, porches and structural surfaces (such as windows, doors, and eaves) are limited to spot and crack-and-crevice applications, only.”
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This restriction limits PCOs’ ability to effectively manage or control certain overwintering pests (or “occasional invaders”) such as brown marmorated stink bugs, kudzu bugs, box-elder bugs, spiders, cluster flies, multicolored Asian ladybeetles, clover mites and carpenter bees. Limiting general surface application on the outside of structures to areas less than three feet above grade or spot and crack and crevice treatment is insufficient to protect structures from the large numbers of pest insects seeking overwintering sites during autumn months. The pest management industry has relied on the selective use of timed

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applications of pyrethroid insecticides to the exterior of buildings to control the extremely large populations of overwintering pests observed migrating to harborage locations inside structures. Physical controls like sealing cracks and crevices coupled with targeted treatment of pest entry points via crack and crevice application is extremely labor intensive and largely ineffective. Allowing this limited use, targeted to specific pests, will provide an effective management option, with no potential for run-off or drift to urban surface water.

Question: Will the Agency allow non-agricultural outdoor use pyrethroid product labels to be amended to include the statement: "This product may be used to treat building surfaces for brown marmorated stink bugs, kudzu bugs, box-elder bugs, spiders, cluster flies, multicolored Asian ladybeetles, clover mites and carpenter bees, provided that the application does not exceed the point of runoff, and the surface being treated is above a permissible treatment site like a lawn, soil, turf or other vegetation, and not above an impervious surface or other use site that may not be treated."

Again, NPMA and the pest management industry support the bulk of the revised labeling requirements, but would like the opportunity to address these three issues and would welcome the opportunity to meet with you and your staff at your earliest convenience. I can be contacted by phone at 703.352.6762 or email at rosenberg@pestworld.org.

Sincerely,



Robert M. Rosenberg
Senior Vice President

Attachments

Cc: Dr. Donald Brady
Mr. Richard Keigwin
Ms. Lois Rossi