

# Spray Drift Work Group Progress Report

November 8, 2006

# Scope Statement

Highlights of (draft) statement on scope:

- Agree to focus on:
  - Labeling
  - Practices and equipment to mitigate drift and adverse effects from drift
  - Training and stewardship
- Agree not to focus on:
  - NPDES rule
  - Misuse
  - Volatilization

# Meeting Summary

- September, 2006
  - Labeling Permethrin
- November, 2006
  - Labeling 2,4-D
  - Complex issues

# Spray Drift Labeling

SDWG identified a number of problems with product labeling designed to mitigate spray drift:

- Inconsistency across products
- Labeling too wordy and too long
- Labeling not enforceable
- Labeling provisions confusing, impractical, and / or contradictory
- Labeling statements poorly organized and presented

# SDWG Labeling Recommendations

- EPA should consider pursuing mechanisms (e.g., PR Notice, Label Review Guide) to improve spray drift mitigation labeling:
  - Sharpen language: shorter, clearer, & enforceable, where appropriate
  - Make provisions consistent across different products

# SDWG Labeling Recommendations

- EPA also should consider more far-reaching changes to pesticide labeling to ensure that provisions concerning spray drift receive enough prominence:
  - Separate enforceable and advisory label statements
  - Clarify directions for each method of application, e.g., aerial, ground boom, airblast

# Issues for Further Discussion

- What is the objective of labeling? Who is target audience?
- How is it connected to risk assessment?
- What is the proper relationship between labeling and training, for ag & consumer users?  
Enforceability of label important.
- How best to facilitate communication of label requirements between applicator and grower/property owner
- Sensitive sites mentioned on the label

# Complex Issues

SDWG discussed:

- What constitutes “harm” from spray drift?
- Design standards vs. performance standards
- Tailoring regulatory restrictions to local conditions
- Determining the real-world impacts of pesticide labeling

# What is “Harm”?

Should “harm” be defined as:

- Unreasonable adverse effects on the environment (FIFRA standard)
- Specific adverse outcomes (“No Bad Things” standard)
- Toxics in toxic amounts (CWA standard)
- Drift resulting from not using BMPs (“Minimize Drift” standard)
- Any detectable amount (“No Drift” std.)

# SDWG Thoughts on Defining “Harm”

- Indiana initiative: “Do not allow pesticide drift in quantities that cause harm.” Harm evaluated based on the following
  - If Federal MCL, tolerance exists, use that as std. for harm. If no tolerance (organic crops)→violation
  - Situational issues contribute to estimate of potential harm, e.g. application near a school
  - Economic harm also counts
  - Observable fish and wildlife damage

# SDWG Thoughts on Defining “Harm” (cont.)

- Considerations:
  - Multiple pesticide exposures not covered; all toxicity not known
  - Concern that detected pesticides not necessarily be considered “harm”
  - Utilize FIFRA standard of “no unreasonable adverse effects”
  - Costs borne by those who do not receive the benefit
  - Concern about variability of different humans in sensitivity to toxics

# SDWG Thoughts on Defining “Harm” (cont.)

- Considerations(cont'd)
  - “Golden rule”: Would you want to be on the other side of the fence?
  - Issues of residues that persist and may cause harm later (e.g. swing set, picnic table, children playing in the yard)
  - See what’s present, compare to risk assessment values. Are toxicologically “allowable” concentrations really OK?
  - Concerns that highly exposed groups have different circumstances that must be considered
  - Can minimize problems by letting neighbors know in advance that application will occur

# Design vs. Performance Standards

Should EPA formulate regulatory restrictions for spray drift in terms of design standards or performance standards?

- Design std. = telling user what to do
- Performance std. = telling user what result to produce

# SDWG Thoughts on Design vs. Performance Standards

- Commercial applicator representative prefers performance based standards
  - Allows use of experience-based drift mitigation practices
  - Some design standards actually increase drift potential
- Regulatory representative prefers blend of performance and design standards
  - Easier to observe compliance if design standards are used
  - Easier to enforce
- Should be able to measure effectiveness of regulatory restrictions
- More comprehensive discussion of the private applicator case needed, e.g. growers who do their own applications

# Tailoring Restrictions to Local Conditions

Addressing this issue involves:

- Balancing the need for a “level playing field” with the reality that “one size does not fit all”
- Determining what local conditions to consider
- Determining when and how to incorporate local conditions into decision-making

# SDWG Thoughts on Tailoring Restrictions to Local Conditions

- Local conditions typically trigger more restrictive conditions
- Take into consideration 303(d)-listed water bodies: Additional requirements might be necessary
- Endangered species regional bulletins web site
- Concern about label statement  
“Applicators must follow all applicable state and local requirements regarding application of 2,4-D herbicides. Where states have more stringent regulations, they must be observed”

# SDWG Thoughts on Tailoring Restrictions to Local Conditions

(cont'd.)

- Best working through local regulatory entities, where they exist; problem of who will evaluate local conditions where regulatory authority doesn't exist
- Mapping can help to publicize sensitive sites
- Explore the use of existing tools (e.g., CA alert system, Ag Commissioners, ag extension) to include issues related to local conditions and crops

# Assessing Real-World Impacts

Addressing this issue involves:

- Matching risk assessment models with real-world conditions
- Determining the impact of labeling on user behavior and risk
- Determining the extent of compliance

# SDWG Thoughts on Assessing Real-World Impacts

- Iterative testing of models against real-world conditions
- Need more data on effectiveness of the label in preventing incidents: AAPCO survey enhanced?
- More resources needed for states & tribes to do enforcement/training/certification/monitoring
- More monitoring, preferably by an objective entity
- Need a new EPA process to test and develop labels? Focus groups? Surveys? New person with expertise in communicating information?

# Next Steps

- EPA to update SDWG on permethrin and 2,4-D labels
- Revisit issues that need more discussion
- Begin preparation of report for PPDC

# SDWG Thoughts on Assessing Real-World Impacts