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Keeping an Eye on Washington

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EPA Grants 30-Day Extension of Comment Period on EDSP Draft Policies and Procedures Document

The Agency has announced a 30-day extension of the public comment period on its draft policies and procedures to implement the Endocrine Disruptor Screening Program (EDSP) from February 11, 2008 to March 12, 2008. Announcement of the extension of the comment period was published in the *Federal Register* on February 6, 2008. As reported previously, CPDA had written to EPA asking for a 90-day extension of the comment period citing, among other issues, the many complexities inherent in establishing a data compensation and data protection mechanism applicable to manufacturers and importers of inert ingredients.

In the February 6th *Federal Register* notice, EPA has also announced its plans to convene a half-day public workshop to discuss the draft policies and procedures document and to answer questions from interested parties. Previously, on December 17, 2007, EPA convened a public briefing on the proposed policies and procedures document shortly after publication of the proposal in the December 13th *Federal Register*.

Individuals planning to submit comments to EPA may do so electronically through the federal government e-Rulemaking portal (www.regulations.gov). Submissions must be identified by docket number EPA-HQ-OPPT-2007-1080. CPDA intends to comment on the draft policies and procedures and invites its membership to provide our office with input on any of the issues addressed in the document.

In related developments, a delegation of CPDA members and staff met with EPA representatives to discuss the Agency's proposed EDSP policies document (Please see related story in this issue of "*Keeping an Eye on Washington*").

President's FY 2009 Budget Request for EPA Includes Pesticide Fee Proposal

On Monday, February 4, 2008, President Bush released his FY 2009 budget request of \$ 7.14 billion for the U.S. Environmental Protection Agency. The President's EPA budget request represents a 4.4% reduction compared with the EPA FY 2008 enacted budget level of \$7.47 billion. Included in the FY 2009 budget request is a proposal calling for the imposition of new pesticide fees beyond those authorized under PRIA II. The President's pesticide fee initiative in the current spending request appears to resemble previous fee proposals that failed to gain any traction in Congress during earlier budget cycles. The Bush Administration's latest attempt to impose additional fees on the pesticide industry follows the October 2007 enactment of the Pesticide Registration Improvement Renewal Act (PRIA II) that provides EPA with the authority to collect annual maintenance fees of \$22 million and pesticide registration service fees through 2012.

According to documents accompanying the FY 2009 EPA budget request, the Administration is proposing to repeal the PRIA II prohibition on new tolerance fees that remains in effect through 2012. In addition, the budget calls for an increase in maintenance fees to cover the incremental costs of assessing pesticides for endangered species effects as part of the 15-year Registration Review program. The President's budget request calls for the establishment of additional pesticide fees of \$48 million in FY 2009, \$48 million in FY 2010, \$47 million in FY 2011, \$47 million in FY 2012, and \$59 million in FY 2013 for a total of \$249 million. A detailed break down of the Bush Administration's pesticide fee proposal is expected to appear in the EPA FY 2009 Congressional justification documents that will be made available later this week.

The following excerpt on pesticide user fees is included in the budget documents released on February 4th: *"...The Administration proposes to better cover the costs of EPA's pesticide services by increasing collections of currently authorized, but soon to expire, pesticide user fees. Furthermore, the Federal Food, Drug, and Cosmetic Act requires EPA to collect fees for the establishment and reassessment of pesticide tolerances. However, collection of these fees has been blocked through 2012. The Administration proposes to eliminate the prohibition and collect the tolerance fee in 2009. In addition, amendments to the Federal Insecticide, Fungicide, and Rodenticide Act require EPA to implement a new program to review all registered pesticides on a 15 year cycle to ensure that registrations reflect current science. EPA initiated this new Registration Review program in 2007. If EPA determines that a pesticide adversely impacts an endangered species during registration review, additional work is required to ensure adequate protections are implemented. The proposed increase in maintenance fees is designed to cover the incremental cost of this work."*

In other parts of the proposed FY 2009 spending plan, the President has put forth a \$563 million EPA enforcement budget described as the "largest enforcement budget ever." The Agency's enforcement budget calls for enhancing EPA's criminal investigation staffing resources.

The EPA FY 2009 budget request also calls for a \$4.5 million increase in funding of the Agency's nanotechnology activities for a total of \$14.9 million. At a budget briefing held on February 4th, EPA Administrator Steve Johnson cited the need for additional resources that will help the Agency identify the data necessary to better assess the impacts of nanotechnology.

In other areas, the FY 2009 EPA budget request includes \$3 million in support of the development of an International Trade Data System, a cooperative initiative that includes the efforts of EPA and other federal agencies. EPA Administrator Johnson noted that the creation of this system will help the Agency identify the potential health and environmental impacts of products imported into the United States. He pointed out that the construction of an International Trade Data System will allow for better coordination of data maintained by EPA and the U.S. Customs Service.

EPA Announces it Will Proceed with Proposed Pesticide Container Recycling Rule

EPA has announced that it is moving forward to propose regulations that once finalized, will require registrants of agricultural and professional specialty pesticides to recycle plastic pesticide containers.

In a January 25, 2008 pesticide program update, the EPA stated, "After careful deliberation and consideration of all possible options, the Agency is moving forward expeditiously with a proposed pesticide container recycling rule. Given the extensive time necessary for the rulemaking process, EPA is following an aggressive schedule that allows for publishing the proposed regulations by the fall of 2008. The Agency will provide the public a 60-day comment period on the proposed rule."

The Agency's recent decision to initiate a proposed rulemaking on pesticide container recycling on an expedited basis stands in marked contrast to its status as described in the EPA Fall 2007 Semi-Annual Regulatory Agenda that was published in the December 10, 2007 *Federal Register*. At that time, EPA identified the container recycling initiative as a "long-term" action with no specific timetable offered.

Senate Adopts Legislation Providing Technical Fix to Exempt IR-4 Submissions from PRIA Fees

On January 29, 2008, the Senate passed by unanimous consent S. 2571 that makes a technical correction to FIFRA, as amended by the Pesticide Registration Improvement Renewal Act, to exempt IR-4 submissions from PRIA fees. The House is expected to pass the measure under the suspension calendar in the near future. The language providing the technical fix was originally included in the Farm Bill that awaits consideration by a conference committee that has yet to be named. However, in an effort to expedite passage of the technical correction, the provision was removed from the Farm Bill and considered as a stand-alone bill.

The technical correction was drafted in response to the unintended effect of the provision in PRIA II that limits the amount of waivers or refunds to registrants to 75% of the applicable registration service fee. In its enactment of both PRIA I and PRIA II, Congress intended that applications solely associated with tolerance petitions submitted by the Inter-Regional Project Number 4 (IR-4) be completely exempt from payment of a registration service fee where such an exemption is in the public interest. The language in S. 2571 makes clear that IR-4 applications can be entirely exempted from paying registration service fees if the Agency determines that the exemption is in the public interest.

At a recent PRIA Process Improvements Work Group meeting held on January 24, 2008 (please see related story), EPA personnel reported that the Agency had not been assessing a fee for IR-4 actions because it was hoping that Congress would pass the Farm Bill with the PRIA technical correction included. However, on the advice of the Agency's Office of General Counsel, EPA will begin invoicing IR-4 applicants for 25% of the appropriate fee. The invoices will be for fees retroactive to the start of PRIA II but could be refunded once Congress passes legislation to correct the problem.

CPDA Participates in Small Business Homeland Security Roundtable

CPDA President Sue Ferenc participated in a Small Business Homeland Security Roundtable discussion that was convened by the U.S. Small Business Administration Office of Advocacy on January 31, 2008. The roundtable meeting included a broad cross-section of industries and interests impacted by U.S. Department of Homeland Security (DHS) regulations and activities.

According to the updates provided at the meeting, DHS has received 22,000 Top-Screen submittals pursuant to its interim final rule to establish Chemical Facility Anti-Terrorism Standards (CFATS). The Top-Screen asks a series of questions regarding the chemical(s) manufactured, processed, used, stored at or distributed by a facility, in order to determine whether the facility meets the Department's definition of a "high risk" facility. Facilities that meet this definition will be placed in one of four risk tiers.

As reported previously, companies in possession of a listed chemical of interest at or above the Screening Threshold Quantity (STQ) at the time of the final promulgation of Appendix A on November 20, 2007 were required to complete the Top-Screen questionnaire by January 22, 2008. DHS, however, has granted requests for extensions beyond the January 22nd deadline on a case-by-case basis, and 8,000-12,000 Top-Screen submittals are pending. Facilities that in the future come into possession of listed chemicals at or above the threshold levels must submit the Top-Screen questionnaire within sixty calendar days of coming into possession of such chemicals.

DHS is required to review the Top-Screen questionnaires that have already been submitted within 60 days and is prioritizing its review according to the level of risk posed by the facility with "Tier 1" or highest risk facilities being placed first in the queue.

Depending on its review of a Top-Screen submission, DHS may require a high risk facility to prepare a Security Vulnerability Assessment that identifies site security vulnerabilities. In an effort to assist regulated facilities in identifying security gaps and providing guidance on how to fill those gaps, DHS is developing a vulnerability assessment tool geared to Tier 1 facilities. Once complete, the vulnerability assessment tool will be made available on the Department's website and will be mandatory for Tier 1 facilities.

House Committee to Hold February 26th Hearing on Chemical Facility Security

In related chemical facility security developments, on January 23, 2008 the House Subcommittee on Transportation Security and Infrastructure Protection adopted by voice vote legislative language titled the Chemical Facility Anti-Terrorism Act of 2008 authored by Representative Bennie Thompson (D-MS), Chairman of the House Homeland Security Committee. A hearing within the full committee has been scheduled for February 26, 2008 in advance of a full committee mark-up that is expected to take place shortly thereafter. Committee Chairman Thompson has signaled that chemical facility security legislation is his number one priority and he is hoping to send a bill to the President by the end of this year.

The draft bill would give permanent status to the DHS regulations establishing Chemical Facility Anti-Terrorism Standards (CFATS) that will sunset in October 2009 in the absence of Congressional action. In so doing, the language calls for the creation of a permanent Office of Chemical Facility Security to be established within DHS.

The legislative draft approved by the Subcommittee contains a number of troubling provisions including language that would require a chemical facility security plan to include an assessment of methods to reduce the consequences of a terrorist attack. While the language does not make a specific reference to "inherently safer technology," this provision of the draft bill embodies the concept of an IST mandate. The methods identified in the proposed language include: input substitution; catalyst or carrier substitution; process redesign (including reuse or recycling of a substance of concern); product reformulation; procedure simplification; technology modification; use of less hazardous or benign substances; use of smaller quantities of substances of concern; reduction of hazardous pressures or temperatures; reduction of the possibility and potential consequences of equipment failure and human error; improvement of inventory control and chemical use efficiency; and, reduction or elimination of the storage, transportation, handling, disposal, and discharge of substances of concern.

In its other provisions, the draft language would give the DHS Secretary the authority to conduct "red team" exercises at high risk facilities as identified by the Department. These "red team" exercises would be conducted after informing the owner or operator of the facility and would be designed to identify vulnerabilities in security plans and possible modes by which the facility could be attacked.

The draft bill would also authorize DHS to allow third-party entities that are trained and certified by the Secretary of DHS to evaluate facilities for compliance with applicable security regulations, security standards, and requirements under the statute.

CPDA is working with a broad based coalition of chemical industry interests in developing a strategy in response to the draft chemical facility security legislation and will report on further developments as they occur.

CPDA and Other Members of the Pesticide Industry Fees Coalition Meet with EPA Personnel to Discuss PRIA II

On January 24, 2008, CPDA and other members of the pesticide industry fees coalition met with EPA Office of Pesticide Programs (OPP) personnel to discuss issues related to the implementation of the Pesticide Registration Improvement Renewal Act (PRIA II). During the meeting, EPA staffers provided an overview of the internal process changes that are being instituted across all three registering divisions in response to the revisions set forth under the reauthorized statute. Among these, EPA representatives reported that the Agency's Information Support Branch is checking to see that a payment of 25% of the applicable registration service fee accompanies any submission for which a small business fee waiver is claimed. This change in process is prompted by the revision in PRIA II that eliminates the 100% "ultra" small business fee waiver and substitutes in its place a 75% fee reduction. In other changes, in accordance with the requirement set forth under PRIA II that submissions be accompanied by payment of the applicable fee up-front, the Agency has discontinued its previous practice of invoicing applicants. Invoices, however, will be sent to applicants in situations where EPA determines that a submission belongs to a different product category commanding a higher fee.

In other discussion, Agency representatives described an approach they believe will resolve the "parent-child" dilemma under PRIA II (now dubbed by the Agency as the "primary-secondary" relationship) whereby EPA has been charging an additional fee of 25% for each new end use product added to the submission package. EPA's new policy represented a significant departure from the Agency's previous practice under PRIA I which allowed the Agency to charge a full fee for the lead application and a reduced fee (in most cases zero) for accompanying applications that were supported by the same data set. The Agency based its recent policy change on Section 33(b)(2)(G) of PRIA II, which states that 25% of the registration fee is non-refundable. Members of the registrant community, however, vigorously objected to this revised policy maintaining that as long as the applications accompanying the lead application retained the same use pattern, the same rate pattern, etc., they should be treated as fast track amendments or non-fee actions under PRIA II.

Under the Agency's revised approach to this issue as described at the January 24th meeting, any subsequent labels for new uses submitted within a 14 calendar day grace period will not be assessed a separate fee as long as there is no data associated with the

secondary application and the secondary application, if submitted independently, would be considered a fast track amendment assuming the use was approved. EPA's devised approach applies only to new uses.

In other issues, Agency personnel reported that beginning February 1st, PRIA submissions that include an unapproved food use or non-food use inert will be rejected if the registrant (after EPA makes two contact attempts with the applicant) does not replace the inert with an already approved inert during the 21-day content screening period. If an application is rejected, PRIA II requires EPA to retain 25% of the applicable registration service fee. EPA personnel noted that previously applications that proposed the use of a non-approved food use inert were not rejected. Agency staff reported that the EPA's website includes a list of approved non-food use inerts and a corresponding link to the e-CFR which identifies approved food-use inerts. Agency personnel are hoping to post updates to the list of approved non-food inerts at least once a month. EPA representatives strongly encourage registrants to choose an approved inert to avoid the risk of having their submissions rejected.

The meeting also included an update on the status of the Agency's registration review initiative. The Agency projects that it will open 45 registration review dockets in 2008. However, starting in 2009 and continuing through 2011, EPA plans to open 70 dockets per year in order to keep pace with the deadlines set forth under PRIA II. As enacted, PRIA II requires EPA to complete the initial registration review of a pesticide no later than the later of October 1, 2022 or 15 years after the date of initial registration. Thereafter, subsequent re-evaluation of the pesticide must be completed every fifteen years following the date of completion of the initial registration review. EPA personnel point out that the Agency is looking at various options such as e-labeling and work-sharing with other countries as avenues for building efficiencies into the registration review process. Future challenges faced by the Agency in its implementation of registration review include the integration of endangered species effects assessments and endocrine disruption review as core components of the program.

CPDA AIC Members Address Concerns with EDSP Draft Policies and Procedures with EPA Personnel

On January 10, 2008 members of the CPDA Adjuvants and Inerts Committee (AIC) and association staff met with Bill Jordan, Senior Science Advisor in EPA's Office of Science Coordination and Policy (OSCP) and other Agency personnel to discuss the recently released draft policies and procedures document that sets forth the proposed implementation scheme for the Endocrine Disruptor Screening Program (EDSP). At the meeting, EPA staffers indicated that the draft document is predicated on the concept of joint data development. As such, the draft response to test orders accompanying the proposed policies and procedures provide an option allowing test order recipients to join a consortium formed for the purpose of generating the requested data. Members of the CPDA delegation voiced their concern that it is often difficult to identify which data are

compensable and that EPA's draft policies and procedures document is somewhat vague with regard to how descriptive an offer to generate the requested data must be. In response, EPA's Bill Jordan expressed the Agency's willingness to consider alternative language that would eliminate any ambiguity as long as such language was "judicially enforceable." Jordan explained that EPA has suspension enforcement authority under FIFRA for registered products or tolerances but lacks similar authority for non-food use inerts under FFDCA Section 408. As such, initial FFDCA Section 408(p) test orders will be issued only to technical registrants and manufacturers/importers of pesticide chemicals including both active and inert ingredients. "Catch-up" orders will be issued to subsequent manufacturers/importers to ensure that the original data submitters are compensated. While recipients of these "catch-up" orders will have the option of generating the requested data on their own, EPA anticipates that they will most likely choose to make a judicially enforceable offer to share costs or to pay compensation.

In his other remarks, Jordan noted that unlike FIFRA Section 3(c)(2)(B), FFDCA Section 408 does not establish a "formulator's exemption." The FIFRA "formulator's exemption" provision excuses an applicant for pesticide registration from the requirement to submit or cite data pertaining to registered products that the applicant has purchased from another person. EPA has taken the position that this principle extends to a FIFRA applicant's purchase of food use inert ingredients when all applicable inert ingredient data requirements have been satisfied by the inert ingredient manufacturer. The formulator's exemption under FIFRA Section 3(c)(2)(D) is not applicable to EDSP data generated on non-food use inerts unless the data are submitted jointly by a registrant or applicant for registration.

Jordan explained that in order to be exempt from either having to generate data or submit an offer to pay compensation, end-use formulators must use only those inerts purchased from data submitters listed on the Inerts Suppliers List. He added that while FFDCA Section 408 provides for data compensation, the statute does not establish an exclusive use period. As such, EPA is seeking comments on what period of time the Agency should issue "catch-up" orders after the initial submission of the EDSP data so as to achieve data exclusivity protections that would parallel those granted under a statutorily established period of "exclusive use."

CPDA AIC Representatives Meet with EPA to Discuss Inert Ingredient Issues

On January 10, 2008, members of the CPDA Adjuvants and Inerts Committee (AIC) and association staff met with representatives of EPA's Inert Ingredient Assessment Branch (IIAB) at which time branch personnel provided the industry delegation with an update on a number of initiatives of concern to CPDA. EPA staffers at the meeting included Karen Angulo, Debbie McCall, Kerry Leifer, and Karen Samek.

Agency representatives reported that once it is released, the long anticipated Advance Notice of Proposed Rulemaking (ANPR) addressing data compensation for inerts will provide a 60-day public comment period. EPA representatives noted that the

draft initiative will likely include a suggested method for adding entities to the Data Submitters List. In addition, the ANPR is expected to include a discussion of the process by which EPA identifies specific data critical to making a regulatory decision.

In other discussion, EPA personnel told CPDA representatives that there have been no substantive changes to the list of supported and unsupported tolerances published in the *Federal Register* on November 2, 2007. As reported previously, the *Federal Register* notice addresses industry's interest in regaining the use of a number of surfactant chemicals used as inert ingredients in pesticide products. As announced in the August 9, 2006, *Federal Register*, the tolerance exemptions for these inerts were revoked because EPA had insufficient data to make a safety finding under FQPA. Unless data are submitted to EPA that would support reinstatement of the tolerance exemptions, the revocations will go into effect on August 9, 2008. Agency staffers indicate that should an interested party step forward with a commitment to support any of the affected inert ingredient products currently listed as being unsupported in the *Federal Register* notice, EPA will post an update on its web site.

Agency representatives reiterated that the EPA will consider extensions of the August 9, 2008 revocation deadline for those inert ingredients that are being supported on a case-by-case basis. However, EPA will grant such a request for an extension only if significant work on the data package has already begun and substantial progress in generating the necessary studies can be clearly demonstrated. EPA is unwilling to grant a blanket extension for every product slated for revocation. Agency personnel report that a number of sub-chronic studies have been reviewed and the Health Effects Division is preparing to handle the influx of data packages that are expected to be submitted in support of inert ingredients scheduled for revocation. As part of this effort, the Agency will use both in-house resources and an outside contractor. In addition, the Inert Ingredient Assessment Branch anticipates the addition of two chemists to its staff to help with the workload.

The January 10th discussion next turned to the ongoing dilemma surrounding diethylene glycol (DG). As reported previously, pesticide regulatory officials in the state of Washington have decided to deny the proposed use of diethylene glycol (DG) and DG ethers as stabilizers in post-emergent use formulations. The action of Washington state regulators has led to the discovery of a potential conflict in EPA's determination as to whether DG may be used as a formulation stabilizer on growing crops or whether its use is restricted to pre-emergence application. For many years, regulators at the state and federal level as well as members of the registrant community have held the implicit understanding that the tolerance expression for DG as it appears in 40 CFR 180.920 includes its use as a post-emergent formulation stabilizer. However, in EPA's tolerance reassessment document issued on June 29, 2006, the Agency cites restrictions on DG to pre-emergent uses despite the fact that the very same document explicitly states, "*The reassessment decision is to maintain the inert tolerance exemption 'as-is.'*"

At the meeting, EPA's Karen Angulo acknowledged that the tolerance reassessment document as written places unintended limitations on the use of DG. She

advised that a petition will need to be filed requesting an expansion of the uses of this chemical beyond its pre-emergence application. Angulo encouraged likely petitioners to avail themselves of “pre-petition consultation” so as to avoid any possible delays in the petition process. In addition, she emphasized that the first paragraph of the petition should contain an informative summary of the request along with a succinct synopsis of the data, information, and rationale in support of the document. The petition must include, among other information, the name of the chemical, CAS number, and a description of the use of the product. Angulo suggested that the opening paragraph should be clear and unambiguous so that EPA is able to include the verbiage in the *Federal Register* notice of filing and as part of a proposed or final regulation under FFDCA Section 408.

In other issues, EPA staff discussed the inclusion of approved inert blend trade names in the Office of Pesticide Programs Information Network (OPPIN) database. Agency personnel reported that registrants sometimes use a variation of the trade name when identifying the inert mixture on the CSF. Even though the inert ingredient blend may be approved for use by EPA, the discrepancy in the listing of the name of the mixture as it appears on the CSF compared to how it is identified in the OPPIN database can lead to delays in registration of the product. The Agency is attempting to devise a process that would eliminate such discrepancies and resulting delays. One option under consideration would involve the posting of the trade names of approved inert mixtures on the EPA website. The trade names of these products, however, would not be included in the e-CFR nor would the posting on EPA’s website of inert blend trade names provide a link to the e-CFR.

Finally, Agency personnel told CPDA members that the Inert Ingredient Assessment Branch intends to develop a work plan for petitions that will be accessible on EPA’s website. Agency staffers signaled that once the backlog of petitions that remain pending has been eliminated, EPA will begin work on developing the work plan.

CPDA Delegation Makes Drift Reduction Technology Presentation before EPA Personnel

On January 16, 2008, a group of CPDA members and staff met with Jay Ellenberger of EPA’s Field and External Affairs Division and other Agency personnel to discuss the status of EPA’s drift reduction technology (DRT) program and related issues. At the meeting, the CPDA delegation made a presentation that showed how the use of appropriate nozzles in combination with certain adjuvants can significantly reduce the number of fine droplets during spray operations. CPDA representatives also showed EPA personnel a film clip of drift reduction using an adjuvant during aerial application.

Agency personnel acknowledged that drift reduction is a complex issue and expressed their understanding that drift occurs as a part of normal application operations. EPA intends to use DRT in its risk assessments of products labeled for ground and aerial applications to row and field crops. Verified risk-reducing DRT could then be used in

lieu of more stringent label restrictions related to droplet size, release height, wind speed, or buffer zones. As such, applicators would have greater flexibility in treating row and field crops in accordance with label requirements. EPA is currently developing drift reduction label language and expects to have a draft available for comment during the summer of 2008. The Agency is hoping to adopt a minimum drift reduction standard of 25% as part of its DRT initiative.

EPA is currently considering methods of communicating the use of DRT on product labels, and appears to have settled on ISO Standard 22369 to avoid naming specific DRT products on the label. The verified DRT in a product would be identified with “stars” on the label to indicate the expected reduction in spray drift deposition. For instance, one star would indicate at least a 25% reduction and two stars a 50% reduction based on verification testing. It is likely that a combination of nozzle and adjuvant will be assigned a star rating. The Agency believes that the use of the proposed “stars” label will provide market incentives for the participation of active ingredient and adjuvant manufacturers. Furthermore, EPA envisions that the “stars” label will obviate the need to create new buffer zones and similarly reduce already established buffer zones.

CPDA member company representatives, however, expressed concern that the proposed “star” rating mechanism does not take into account the differences in the chemistries of the tank mix such that every active ingredient/adjuvant combination behaves differently under varying conditions. These variations could make it difficult to ascertain with any degree of certainty the actual amount of drift reduction that would occur. The CPDA group explained that every specific combination of active ingredient, adjuvant and nozzle would need to be tested to derive a specific, quantifiable level of drift reduction.

The discussion then turned to the issue of best management practices aimed at reducing drift. The CPDA delegation provided an example of one company’s approach to optimizing on-target applications of pesticides and suggested that it could be used as an industry guide for addressing the issue of drift reduction. EPA personnel appeared to react favorably to the approach presented by the CPDA group and expressed a desire to build a consensus on a set of drift reduction best management practices that could ultimately be used on the label.

In response to a question posed by the CPDA group concerning the number of drift complaints received by the Agency each year and whether there was any correlation with a particular product chemistry or other factor, EPA staffers noted that the most recent data they have is the 2005 AAPCO Pesticide Drift Enforcement Survey. Data from the 40 states responding to the survey showed that about 1700 annual drift incidents were reported during 2002-2004, with approximately 625 confirmed and enforcement action taken. The Agency did not have information about the chemistry or other factors involved in the incidents.

In other discussion, Agency personnel reported that EPA has engaged the USDA-ARS high-speed tunnel in Texas and Battelle’s low-speed tunnel in Ohio to assess EPA’s draft testing protocol. This work is expected to begin during the first part of 2008. The

draft generic protocol may be accessed at www.epa.gov/etv/este.html#pdrt. The tests will include both nozzles and water-based “drift reduction adjuvants.”

CPDA will continue to work with EPA as the Agency develops its DRT program. For further information, please contact the offices of CPDA.