

Pesticide Drift Labeling Guidance

CPDA

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Origin of PR Notice 2009-X drift labeling guidance

- **2006** – Pesticide Program Dialogue Committee (PPDC) drift workgroup formed to develop recommendations for EPA about how to address pesticide drift to water
- **2007** – final report issued; little consensus, but recommended standardized drift labeling, with concise, clear, and enforceable language
- **2008** – EPA workgroup formed to develop guidance on pesticide drift labeling

Current status of drift labeling

- Existing product labels contain widely varying language, e.g.:
 - “Do not allow spray to drift from the application site.”
 - “Avoiding spray drift is the responsibility of the applicator.”
 - None at all
- Inconsistencies between and among active ingredients
- **New labeling guidance needed**

Underpinning for new labeling guidance

- Protections for bystanders and off-site resources
- Applicators and growers
 - believe they can apply pesticides in a manner that controls drift, does not result in harm
 - prefer flexibility over specific parameters (e.g., release height less than x ft.); more than one way to mitigate drift
- Highly prescriptive drift language *not* favored by users

PRN 2009-X

Proposed general statements

Agricultural and Commercial Products

- “Do not apply this product in a manner that will contact workers or other persons, either directly or through drift.
- “In addition, do not apply this product in a manner that results in spray [or dust] drift that could cause an adverse effect to people or any other non-target organisms or sites.”

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Proposed General Statements, cont'd

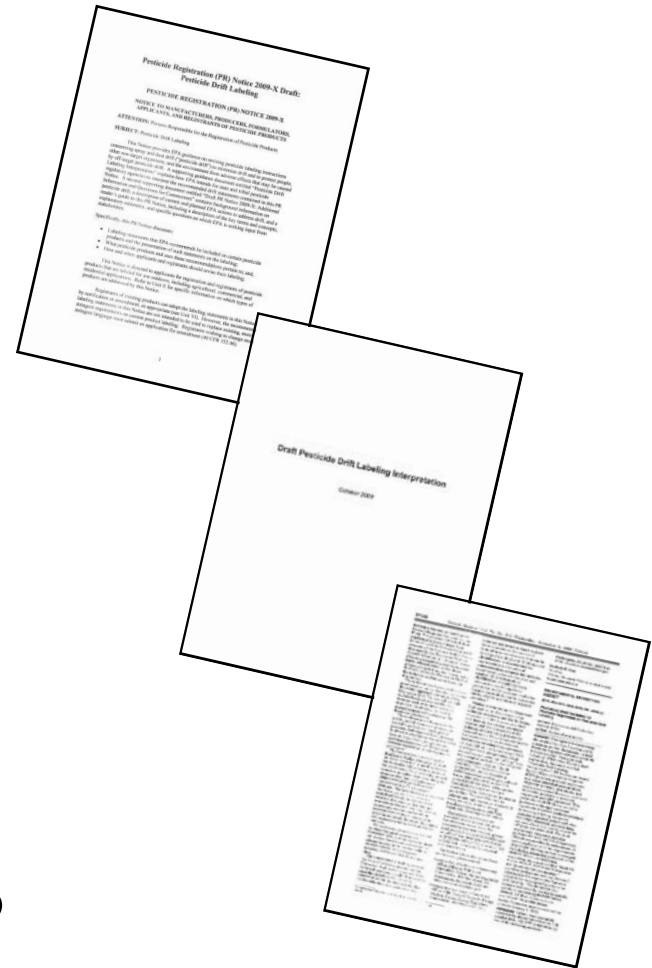
Non-Commercial (Residential) Products

- “Do not apply this product in a way that could contact people, or that results in spray [or dust] drift that could cause harm to people, pets, property, aquatic life, wildlife, or wildlife habitat.”

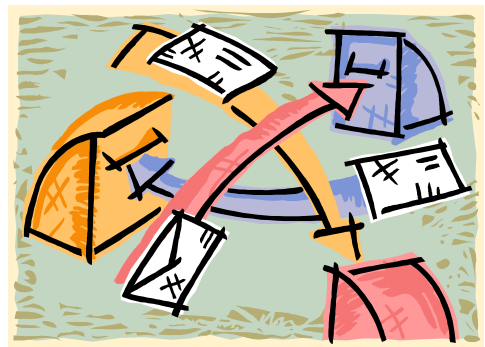


Issued for Public Comment in November 2009

- PR Notice 2009-X Draft: Pesticide Drift Labeling
- Interpretation document
- 4-month comment period
- PR Notice, supporting documents & comments, at www.regulations.gov, Docket ID OPP-2009-0628



Public comments



Approximately 34,000 comments received

- 600 unique comments received
- write-in campaigns; 33,300 letters
- comments from wide variety of interests

Public comments, cont'd

- "Could cause" wording ambiguous, unenforceable, confusing
[received most unique comments]
- Use FIFRA's "unreasonable adverse effects"
- Zero-drift standard unattainable/need a zero-drift standard
- Current regulations/practices/technology sufficient
- General drift statements not adequate
- Do not require buffers/immediately adopt buffer zones
- Will adversely affect agriculture; frivolous lawsuits inevitable
- Review current state laws and regulations

Rationale for change

- PRN originally used “could cause harm” model
- Spray drift may occur to some (even minute) degree in any outdoor application, so a zero-drift standard is not feasible
- Need for protective language that provides clearer target for users



Changes for agricultural and commercial products

PRN 2009-X

- “In addition, do not apply this product in a manner that results in spray [or dust] drift that **could cause an adverse effect** to people or any other non-target organisms or sites.”

Change

- “In addition, do not apply this product in a manner that results in spray [or dust] drift that **harms** people or any other non-target organisms or sites.”

Examples of “harm”

- Negative physical impact to humans
- Negative effects on the viability of beneficial insects, and non-target fish, birds, or other wildlife
- Damage to agricultural commodities
- Residues that exceed a tolerance and residues on commodities for which there is no tolerance
- Exceedence of an established state water quality standard or other regulatory limitation
- Damage to aquatic or wildlife habitat, or contamination of water or soils at levels that would cause harm to wildlife

Changes for residential products

Proposed in PRN 2009-X

“Do not apply this product in a way that **could** contact people, or that results in spray [or dust] drift that **could cause harm** to people, pets, property, aquatic life, wildlife, or wildlife habitat.”

Revision

“Do not apply this product in a way that **will** contact people, or that results in spray [or dust] drift that **harms** to people, pets, property, aquatic life, wildlife, or wildlife habitat.”

Next steps



- Expect last external comments next week
- Move forward with PRN
 - internal concurrences
 - Administration review
- Hope to release final notice in 2011



