



# PEP-TALK

## OSU Pesticide Education Programs

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### Delaney Reform Passed

A bipartisan plan on food safety reform that results in sweeping changes has been sent to the President. This bipartisan compromise was approved by the House in a 417 to 0 vote on July 23 and then passed by the Senate.

What does this legislation do?

1) Title IV of the bill would delete the Delaney Clause zero-risk cancer standard for pesticide residues on processed food and replace it with a new safety standard of "reasonable certainty of no harm," meaning that pesticides on food should pose no reasonable risk of harm, including aggregate exposures from food and other exposures. The Delaney Clause prohibited the government from setting pesticide residue tolerances - maximum limits - for processed foods if the pesticides in questions are linked to cancer, no matter how negligible the risk. There is no such zero-risk provision governing raw food tolerances. Some actions revoking tolerances for pesticides under the recent strict interpretations of Delaney may be reexamined by EPA when this new bill is signed and tolerances reinstated.

2) The bill provides increased protection for infants and children by requiring tolerance-setting data based on their higher consumption of fruits and vegetables. This 1000 fold safety factor for infants and children directly responds to the National Research Council report, Pesticides in the Diets of Infants and Children.

3) The EPA right-to-know inclusion will provide consumers information about the health risks of pesticides in their food.

Every year, EPA must compile and distribute a "generic booklet" to large retail grocers to be displayed publicly in a manner determined by the grocer. The booklet would describe the risks and benefits of pesticides and how consumers can reduce pesticide exposures. Additionally, the new language would allow for use of benefits in situations where the risk to public health of not using the pesticide is greater than the risk of using the pesticide and where the availability of the pesticide is necessary to avoid a significant disruption in the domestic production of an adequate, wholesome and economic food supply.

4) The bill also includes the requirement of estrogen screening for product registration by the registrant.

The official Carol Browner statement, made prior to the Senate's action, stated: " (The) House action on food safety reflects the bipartisan commitment to public health and environmental protection that President Clinton has called for. It is a major step forward insuring a safe, healthy life for American families. The legislation includes three reforms of particular importance that have been promoted by the Clinton Administration: It strengthens standards to limit the health risks of pesticide exposure, includes special new provisions to protect children, and expands the consumer's right to know about pesticide risks."

(NASDA News, July 26, 1996, Donald Baumgartner, EPA, July 23, 1996. P&T News, July 24, 1996)

### EPA Liability Warning

**EPA PROPERTY DAMAGE LIABILITY WARNING**  
In a recent notice, EPA warned farmers and the courts "that the agency does not make efficacy or property damage assessments of agricultural pesticides." The following are excerpts concerning this issue:

- "EPA stopped evaluating pesticide efficacy for routine label approvals almost two decades ago and it does not require a review of efficacy of property damage issues for agricultural pesticides."
- "EPA's label approval process is centered on the issue of whether a label, including the specification of use sites and the directions for use on the label, meets the core requirement for registration: that the pesticide not cause unreasonable adverse effects on the environment."

- “EPA applies the requirements in its labeling regulations with an eye to risk, not efficacy issues...”
- “Use sites are not reviewed as to the pesticide’s efficacy for those crops. Use directions are provided to insure that pesticide applicators and farm workers are adequately protected.”
- “Directions for use establish legal limits as to the amounts of a pesticide that may be applied and thus allow EPA to control and estimate dietary exposure. EPA does not check to see if equipment mentioned in directions for use will be harmed or whether other property damage might occur...”
- “The preemption issue is that FIFRA permits states broad authority to regulate pesticides but makes it unlawful for states to “impose or continue in effect any requirements for labeling or packaging in addition to or different from those required under this act.”
- “For pesticide users, this notice should clarify that EPA’s approval of a pesticide label does not reflect any determination on the part of EPA that the pesticide will be efficacious or will not damage crops or cause other property damage.”  
(P & T Chemical News, pg. 24 and 25, July 17, 1996)

## Chlorothalonil Retraction

On July 17 the Office of Indiana State Chemist (OISC) sent a letter to EPA which retracted Indiana's request for an early entry exception under the WPS for chlorothalonil on muskmelons. The reasons cited for the retraction include the now lateness of a decision and further requests from OISC for more clarifications in support of a petition decision. Additionally, implementation of an exception at this time, if indeed granted, would be difficult and confusing, with the muskmelon season currently underway in Indiana (concluding in mid-August).

OISC believes that a further refining of the WPS Exception process is needed so that requests may be decided in a timely manner. OISC still believes that their chlorothalonil exception request is justified and based on scientific fact. Farmworker groups opposed the exception based on their concerns regarding skin and eye irritation for workers harvesting melons.

(Donald Baumgartner, U.S. EPA Region 5, July 23, 1996)

## WPS Q&A Document

EPA has distributed an updated WPS Q&A document. Periodically, EPA issues “interpretive guidance” on regulations - or in other words how they actually interpret certain situations. The eighteen new questions include two prime areas of interest including researchers as handlers and central posting.

**Q.** Are researchers considered workers or handlers?

**A.** A person who is entering the treated area during the REI to collect data and /or samples related to assessing pest numbers or damage, pesticide distribution or the status or requirements of agricultural plants and is not performing any other hand labor tasks is considered a crop advisor under the rule. Crop advisors are considered handlers during the application and until the expiration of the REI, at which time they are considered workers in terms of coverage under the WPS.

**Q.** When an agricultural employer uses more than one central location on the agricultural establishment, what information may be provided at each location?

**A.** Option 1 is to post complete information for the entire establishment at all locations. Option 2 is to post information on applications made only to the part of the agricultural establishment served by the central location if the following conditions are met. Each central location must clearly indicate the area covered by the application list, any worker entering the area must be informed of the central location and each central location must meet all other WPS requirements.

For a copy of the new Q&A document contact the PAT office (614) 292-3272. (USEPA, Memo, June 14, 1996)

## OH Section 18 for Tobacco

### OHIO SECTION 18 EMERGENCY LABEL FOR TOBACCO BLUE MOLD

ACROBAT MZ received a Section 18 Emergency Use Label for tobacco in Ohio. Some of the label particulars are as follows:

- A copy of the label must be in possession of the user at the time of application.
- ACROBAT MZ is not a Restricted use pesticide in Ohio. It has a Restricted use label in Kentucky.
- The label expires on September 30, 1996.
- 2.5 lbs per 100 gallons of water.
- Is labeled to control metalaxyl resistant Blue Mold.
- Do Not exceed a maximum seasonal poundage of ten pounds of product per acre.

- Do Not apply within 30 days of harvest.
- Do Not make more than four applications for a given tobacco transplant crop and Do Not exceed 2.5 pounds per acre per application.
- It is recommended that this product be used as part of a Integrated Pest Management program.

For additional information contact:

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(Robin Stephenson, Extension Agent, Ag/ Natural Resources, OSU Extension, Adams Co., July 22, 1996)

## Chemical & Label Update

The following information provides registration status of particular pesticides and should not be considered as pesticide recommendations by OSU Extension.

### FRUIT & VEGETABLE

#### Folpet: Voluntary Cancellation of Uses

The use of the fungicide folpet is canceled effective September 16, 1996 on: celery, cherries, leeks, onions (green), shallots, blackberries, blueberries, boysenberries, crabapples, currants, dewberries, gooseberries, huckleberries, loganberries, raspberries, citrus fruits, garlic, pumpkins, summer squash, and winter squash. (Federal Register: July 17, 1996)

### BIOLOGICAL

#### Dihydroazadirachtin (Neem extracts): Exemption from the Requirement of a Tolerance

This biochemical pesticide is exempted from a tolerance on all raw agricultural commodities when applied as an insect growth regulator and/or antifeedant. This regulation became effective July 18, 1996. (Federal Register: July 18, 1996)

### GENERAL AG

#### Norflurazon; Pesticide Tolerance

Tolerances were established for the residues of the herbicide norflurazon and its desmethyl metabolite in or on the following raw agricultural commodities (RACs): alfalfa, forage, alfalfa, hay, alfalfa, seed; and in or on meat by products (except liver) of cattle, goats, hogs, horses, and sheep and in or on liver of cattle, goats, hogs, horses and sheep resulting from the use of norflurazon in the culture of alfalfa. Effective date: July 29, 1996. (Federal Register: July 29, 1996)

*Zorial Rapid*

### UPDATES

**Cyanazine: Special Review Ends & Registrations Canceled**  
EPA is concluding the Special Review because the registrants have agreed to voluntarily modify the terms and conditions of the cyanazine registrations so that use of the pesticide will not cause unreasonable adverse effects on the environment. The registrants have agreed to voluntarily amend their registrations and phase out cyanazine use by gradually reducing application rates, implementing additional protective use restrictions during the phaseout, and voluntarily canceling cyanazine registrations effective December 31, 1999. (Federal Register: July 25, 1996)

### VARIOUS

**Requests to Delete Uses in Certain Pesticide Registrations**  
Unless a request is withdrawn, EPA will approve the following use deletions which will then become effective on October 23, 1996.

\*Excelcide Cold Fog Mushroom production and processing

\*DYLOX Technical Insecticide (Trichlorfon)

Livestock uses

\*Vernam 10-G Selective Herbicide (Vernolate) Soybeans

\*Vernam 7-E Selective Herbicide (Vernolate) Soybeans

\*Misty Aqua-Kill Insecticide (Resmethrin) Greenhouses

\*Gas Cartridge (Carbon; Sodium Nitrate) Pocket gopher

(Federal Register: July 25, 1996)

#### Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

Unless a request is withdrawn by October 23, 1996, orders will be issued canceling all of these registrations.

\*Dragon Ferbam Ferric Wettable Fungicide

\*Funginex \*Triforine Technical

\*Cygon SC-9 Systemic Insecticide

\*Omite 6E Agricultural Miticide

\*Real Kill Yard & Patio Outdoor Fogger

(Frank Sanders, Dir., Program Management and Support Div., Office of Pesticide Programs, Federal Register: July 25, 1996)

## Mosquito Control

Lately, there has been an intense discussion over a mosquito E-Mail List about the safe, yet effective, methods to repel mosquitoes. These same concerns are continually being raised every summer, with the fear by some members of the general public of DEET containing products.

Regarding this discussion about mosquito repellents, "uninformed" victims of these nightly blood feeders should check-out the article recently published in the Journal of the American Mosquito Control Association Volume 12(2): 293-294 (1996). Within the article the Canadian authors demonstrate via human biting collections that citronella indeed provided some protection against mosquitoes as compared to controls, but the protection was only 19% better than plain burning candles alone (w/o citronella).

Surprisingly, a plain candle affords mosquito protection, as much as 23% reductions over no candle use. The authors concluded that citronella candles were ineffective for reducing the biting pressure of mosquitoes, and that their use by the general public should be discouraged.  
(Donald Baumgartner U.S. EPA Region 5, July 18, 1996)

## PSSST....

### EVACUATION AS WORKER PROTECTION?

A few days ago the Deputy Immigration Commissioner brought in some Orthene (available in garden centers) to treat the plants in her office. The result: 1900 INS employees were evacuated and sent home while the General Services Administration ventilated the building.

According to the Washington Post, a GSA spokesperson said: "The product is normally an outside product. It's a safe product when used outside. They just happened to use it inside, well, to spray the plants." The article did not report any injuries.

Is a pesticide label restriction for office use needed?  
(Al French, USDA Coordinator for Agricultural Labor Affairs, July 22, 1996)

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