ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS (ASPCRO)

HISTORICAL RECORD

1994

PRESIDENT:	Jim Wright, SC
VICE-PRESIDENT:	Benny Mathis, TX
SECRETARY:	Carl Falco, NC
TREASURER:	Carl Falco, NC
LOCATION OF ANNUAL MEETING:	San Antonio, TX
DATE:	8/29/94 to 8/31/94

EXECUTIVE BOARD MEETING: Board members present were:
President Jim Wright(SC);
Vice President Benny Mathis(TX)
Secretary-Treasurer Carl Falco(NC)
Immediate Past President David Scott(IN)
At-Large member Jim Harron(GA) 93-94
At-Large member Kathy Fedder(MI) 93-94

Also present at the meeting were Bob Wulfhorst(OH), Bud Paulson(AZ), Lonnie Mathews(AZ), Van Brock(TX), Forrest St.Aubin(KS), Barry Patterson(NM), Roger Borgelt(TX), Rick Chapman(WV), Ray Siegel(IN), Kiven Stewart(AR), George Saxton(IN), Bernard Parresol(USDA Forrest Service), and Skip McDaniel(USDA Forrest Service). At-Large member Diana Canaday(WV) was absent but represented by Rick Chapman(WV).

**Bob Rosenberg and Gene Harrington of NPCA were present briefly at the beginning of the meeting requesting a survey be sent to the states to develop a data base on significant state regulations. George Saxton(IN) was directed to work with NPCA to develop a survey and collect the data.
**Bob Rosenberg(NPCA) requested that NPCA be included on any discussion of the EPA PR Notice regarding termiticide label language.
**Dr. Skip McDaniel(USDA) and Bernard Parresol(USDA) discussed the data from the ASPCRO Soil Residue Study and made recommendations.
**Jim Wright(SC) discussed the EPA PR notice regarding termiticide label language.
**A motion was made and passed to adopt the report from the Soil Residue Committee (copy in historical record) and to present the report to the full membership for vote.
**The Executive Board decided to request that a 45-day extension be requested from EPA for the comment period regarding the PR notice on termiticide label language.
**Roger Borgelt(TX), Bud Paulson(AZ), and David Scott(IN) were directed to collect comments on the PR notice from the states and forward those comments to EPA.
**The Executive Board discussed using borates in foam insulation board.
**The Executive Board discussed technician recertification credits via trade journals.
**Carl Falco(NC) discussed the Sentricon Termite Bait System.
**Jim Harron(GA) discussed training for Structural Pest Control Boards and Commission Members.
**Bob Wulfhorst(OH), Barry Patterson(NM), and Grier Stayton(DE) were asked to serve on the Resolutions Committee.
**Kiven Stewart(AK) and David Scott(IN) were asked to serve on the Nominations Committee.

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HIGHLIGHTS OF MEETING:

**Welcoming Ceremony by: Benny Mathis(TX)
John Gonzalez(TX Structural Pest Control Board)
Ed Boone(TX Pest Control Association)
Jerry Surber(San Antonio Pest Control Assoc.)

**Future of Urban Pest Control-Dr. Roger Gold, Texas A&M

**Reduced Use and Reduced Risk, IPM and the Structural Pest Control Industry, EPA & the Future-Arty Williams, US EPA, OPP.

**Termiticides Soil Residual-Dr. Skip McDaniel, USDA Gulfport

**Termiticides Soil Residual Update on ASPCRO Study-Jim Wright(SC), Bernard Parrasol(USDA)

**Update on Termiticides-Steve McMasters, DowElanco

**Update on Termiticides-Jim Ballard, FMC Corporation

**IPM in Schools-Benny Mathis(TX)

**Media and Regulation-Jim Harron(GA)

**WDI Reports-David Scott(IN)

**Interrelationship Between Extension and the Structural Pest Control Industry-Dr. Philip Hamman, TX A&M, and Dr. PH Horton, Clemson University.

**Advertising Claims-Esther Chavez, Texas Attorney General's Office.

**Industry Forum:

Posting & Notification-Tom Delaney, Professional Lawn Care Assn.
Record Keeping/Fungus Termiticide-Charlie Hromada, Terminix
IPM in Schools, Industry Position-Robert Davidson, DowElanco
Distributor's Perspective-Ron Dedeke, VanWaters & Rogers
Overall Industry Image-Tom Diederich, Orkin
Regulations/Soil Sampling/Termiticide Labeling-Bob Rosenberg,NPCA.

BUSINESS MEETING: (First business meeting open to non-members)

**Treasurer Report-Carl Falco(NC) (Copy in Historical file)

**1995 meeting will be held in Asheville, NC on September 18, 19, & 20.

**1996 meeting will be held in Santa Fe, NM.

**1997 meeting will be held in Nashville, TN.

**Sentricon Task Force Update-Carl Falco(NC)

**Lonnie Mathews(NM) suggested that ASPCRO hold a mid-year meeting after AAPCO has their Spring meeting to discuss important issues.

**A motion was made and passed that the ASPCRO Board of Directors meet at the 1995 Spring AAPCO meeting, that ASPCRO supplement the cost of Board members' travel who do not traditionally attend AAPCO, and that ASPCRO pursue funding from EPA for the ASPCRO Board of Directors to attend future AAPCO meetings.

**EPA PR notice on termiticide label language was discussed and it was agreed that ASPCRO should request a 45-day extension for comments. Roger Borgelt(TX), Todd Thompson(LA), and Bud Paulson(NM) were asked to serve on a working committee for comments.

**Lonnie Mathews gave an update on SFIREG and distributed a paper entitled, "EPA Registration of Termiticides." (Copy in Historical file).

**George Saxton(IN) presented the publication on the historical record of ASPCRO and asked for any corrections or comments.

**George Saxton(IN) was asked to formally present the proposal of establishing an "ASPCRO Hall of Fame", and a "Past President's Plaque."

**A motion was passed to give a complimentary registration to all retired ASPCRO members for future meetings.

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS (ASPCRO)

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**Dennis Howard(MD), Jim Harron(GA), and Kiven Stewart(AR) were asked to serve on a task force to study future termite baiting technologies.
**A motion to accept the report from the task force on minimum termite treatment standards (copy in Historical file) was tabled and the committee was asked to wait on the final outcome of EPA's PR notice on termiticide label language.
**The Well Protection Committee was disbanded.
**A motion was made and passed unanimously to accept the numbers as presented by the Soil Residue Committee for residue levels as a basis for a guidance document to be presented to the states. (Report is in Historical file).
**Posting and Notification Report was given by Roger Borgelt(TX) (copy in Historical file). A motion was made and passed to accept the report.
**The Committee on Posting and Notification was re-charged to address notification with input from industry.
**The Nominations Committee nominated Jim Haskins(MS) to serve on the Executive Board for three years and and Grier Stayton(DE) to serve on the board for two years, replacing Jim Harron(GA) and Kathy Fedder(MI).

RESOLUTIONS:
**Recognition of the Texas Structural Pest Control Board for hosting the meeting.
**Recognition of event sponsors.
**Recognition of George Saxton(IN) for the writing of the ASPCRO Historical Record.
**ASPCRO requests that a non-agricultural program person be on the PREP steering committee.
**ASPCRO asks that:

1. EPA add trained, non-certified applicators to the formula for determining allocation of certification and training grant funds to states;
2. Increase the base funding for certification and training; and,
3. States work with their Congressional delegations and allied associations to increase the federal funding for applicator and non-certified applicator training and certification.

MISC: Historical record includes: A copy of the program; ASPCRO cash flow report; Financial report from the Soil Residue Committee; Roster of attendees; Letter to Ken Butler on the use of borate treated foam insulation board; Letter to Steve Johnson, Director of Registration Division, EPA, regarding ASPCRO's position on Recently Published Statement of Policy for Termiticide Labeling Revision; Letter to Mary Ellen Setting, President, AAPCO, regarding block grants; Letter to Arty Williams, EPA, expressing gratitude for her attendance at the Board of Director's Meeting in Virginia on 3/12/95; Letter to Cathy Kronopolus, EPA regarding registered technician programs; Letter to Rebecca Cool, EPA, regarding less-than-label-rates for termiticides; Dr. Brian Forschler, Entomology, Georgia Experiment Station, regarding the Soil Residue Data Collection Project; Letter from Dr. Forschler to Jim Wright. States in attendance were: AZ, AR, DE, GA, IL, IN, KS, LA, MD, MI, MS, MO, NM, NC, OH, OK, SC, TN, TX, WA, WV,

Association of Structural Pest Control Regulatory Officials

RECEIVED
INDIANA STATE CHEMIST
SEP 30 1994

M E M O R A N D U M

DATE: September 27, 1994

TO: George Saxton
ASPCRO Historian
Indiana State Chemist Office
Dept. of Biochemistry
Purdue University
West Lafayette, Indiana 47907
Phone: 317/494-1585
FAX: 317/494-4331

FROM: Jim Wright, President JW
ASPCRO
Dept. of Fertilizer and Pesticide Control
Clemson University
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Columbia, South Carolina 29221
Phone: 803/772-0766
FAX: 803/772-8711

RE: HALL OF FAME / 1994 HISTORICAL RECORD

Once again, I would like to extend my sincere Thanks to you on behalf of ASPCRO for a fine job on the very detailed and complete historical record you have produced for the Association. Regarding your proposal to implement a Hall of Fame for ASPCRO, I accept your proposal as submitted. I will plan to place this on the Agenda for the Spring 1995 Board of Directors Meeting as an action item. Please plan to attend that meeting.

As for the 1994 Historical Record, I have no changes to your draft.

Again, Thanks for the excellent job.

CONFERENCE SPEAKERS

Jim Wright - Clemson University
Dr. Roger Gold - Texas A&M University
Artie Williams - U.S. EPA, Washington D.C.
Dr. C.A. (Skip) McDaniel - USDA, Gulfport, MS
Jerry Surber - President San Antonio Pest Control Assn
Ed Boone - President Texas Pest Control Assn
John M. Gonzalez - Chairman, Texas Structural Pest Control Board
Steve McMaster - DowElanco
John Ballard - FMC Corporation
Reggie James - Consumers Union
James Harron - Georgia Dept. of Agriculture
Dr. Philip Hamman - Texas A&M University
Dr. P. H. Horton - Clemson University
David Scott - Purdue University
Robert Rosenberg - National Pest Control Assn
Tony Smith - Van Waters & Rogers
Charlie Hromada - Terminix International
Robert Davidson - DowElanco
Tom Delaney - Professional Lawn Care Assn of America
Tom Diederich - Orkin Pest Control
Esther Chavez - Texas Attorney General's Office
Roger Borgelt - Texas Structural Pest Control Board
Benny Mathis - Texas Structural Pest Control Board

HOTEL

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ASSOCIATION

OF

STRUCTURAL

PEST

CONTROL

REGULATORY

OFFICIALS

34th Annual Meeting

August 28 - August 31, 1994

Hilton Palacio Del Rio

San Antonio, Texas

"MEETING AGENDA"

AGENDA
ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

SUNDAY, AUGUST 28, 1994

2:00 p.m. - 6:00 p.m. - *Registration* - ***Lobby Bar Area***

3:00 p.m. - *ASPCRO Board of Directors Meeting* - ***La Duquesa***

MONDAY, AUGUST 29, 1994

Moderator - ***Jim Wright - President, ASPCRO***

8:00 a.m - 4:30 p.m. - *Registration* - ***Pre-function Area - Salon del Rey S***

8:30 a.m. - *Call Meeting to Order* - ***Jim Wright - President, ASPCRO*** *Welcoming Ceremonies* - ***Benny Mathis - Vice-President, ASPRCO, John M. Gonzalez - Chairman, Structural Pest Control Board, Ed Boone - President, Texas Pest Control Association, Jerry Surber - President, San Antonio Pest Control Association - Mezzanine - Salon del Rey S***

9:00 a.m. - *Future of Urban Pest Control* - ***Dr. Roger Gold - Texas A&M University***

10:00 a.m. - 10:20 a.m. - *Break*

10:20 a.m. - *Reduced Use and Reduced Risk, IPM and the Structural Pest Control Industry, EPA and the Future* - ***Artie Williams - U.S. EPA, Washington D.C.***

12:00 Noon - *Lunch* - ***Salon del Rey C***

1:30 p.m. - *Termiticides Soil Residual* - ***Dr. C.A. McDaniel - USDA, Gulfport, MS***

2:30 p.m. - *Termiticides Soil Residual Update on ASPCRO Study* - ***Jim Wright - ASPCRO***

3:00 p.m. - 3:20 p.m. - *Break*

3:20 p.m. - *Update on Termiticides* - ***Steve McMasters - DowElanco***

3:50 p.m. - *Update on Termiticides* - ***John Ballard - FMC Corporation***

TUESDAY, AUGUST 30, 1994

Moderator - ***Benny Mathis - Vice-President, ASPCRO***

8:00 a.m. - *Call Meeting to Order* - ***Jim Wright - President, ASPCRO Mezzanine - Salon del Rey S***

8:30 a.m. - *Consumers View Regarding the Pest Control Industry* - ***Reggie James - Consumers Union***

8:50 a.m. - *Media and Regulation* - ***Jim Harron - Georgia Dept. of Agriculture***

9:10 a.m. - *WDI Reports* - ***David Scott - Purdue University***

9:30 a.m. - *Interrelationship between extension and the structural pest control industry* - ***Dr. Philip Hamman - Texas A&M University and Dr. P.H Horton - Clemson University***

10:30 a.m. - 10:50 a.m. - *Break*

10:50 a.m. - *Advertising Claims* - ***Esther Chavez - Texas Attorney General's Office***

11:10 a.m. - *Industry Forum* - ***Robert Rosenberg - National Pest Control Assn, Tony Smith - Van Waters & Rogers, Charlie Hromada - Terminix International, Robert Davidson - DowElanco, Tom Delaney - Professional Lawn Care Assn of America, and Tom Diederich - Orkin Pest Control***

12:30 p.m. - *Adjourn*

WEDNESDAY, AUGUST 31, 1994

Moderator - ***Roger Borgelt***

8:00 a.m. - *Call Meeting to Order* - ***Jim Wright - President, ASPCRO Mezzanine - Salon del Rey S***

8:00 a.m. - *IPM in Schools,* ***Benny Mathis and Roger Borgelt - Texas Structural Pest Control Board***

9:00 a.m. - *Business Meeting ASPCRO Committee Reports State Reports*

12:00 p.m. - *Adjourn*

Association of
Structural
Pest
Control
Regulatory
Officials

1994 ASPCRO
BOARD OF DIRECTORS MEETING
SAN ANTONIO, TEXAS

I. Call To Order

II. NPCA/ASPCRO Database

III. Soil Residue Project Results

a. Bernie Parresol
Statistical Analysis of Data

b. Dr. Skip McDaniel
Evaluation of Data for Six Month Interval

IV. Termiticide Labeling - PR Notice
Statement of Policy for Termiticide Labeling Revision

V. Borates in Foam Insulation Board

VI. Technician Recertification Credits Via Trade Journals

VII. Sentricon® Termite Bait System

VIII. Training For Boards and Commission Members

ATTENDEES OF 1994 ASPCRO CONVENTION

NAME AND AFFILIATION/COMPANY	ADDRESS AND PHONE NUMBER
Jimmy Arceneaux Arceneaux Consulting	P. O. Box 1734 Denham Springs, La. 70126 504-665-2864
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✓Fred L. Riecks Illinois Dept. of Public Health	525 W. Jefferson Springfield, Ill. 62703 217-782-4674
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1994

ASPCRO EXECUTIVE COMMITTEE

Name/Address	Phone	Fax	Term	Position
Jim Wright Dept. of Fertilizer and Pesticide Control Clemson University P.O. Box 21792 Columbia, S.C. 29221	(803) 772-0766	772-8711	94/95	President
Bennie Mathis Structural Pest Control Board 9101 Burnet Rd., Suite 201 Austin, TX 78758	(512) 835-4066	837-7722	94/95	Vice President
Carl Falco Structural Pest Control Division North Carolina Department of Agriculture P.O. Box 27647 Raleigh, N.C. 27611-0647	(919) 733-6100	733-0633	94/95	Secretary/ Treasurer
David E. Scott Office of the Indiana State Chemist Purdue University 1154 Biochemistry Bldg. W. Lafayette, IN 47907-1154	(317) 494-1585	494-4331	94/95	Immediate Past President
Diana Canaday Pesticide Section West Virginia Department of Agriculture 1900 Kanawha Blvd. Charleston, W. V. 25305	(304) 348-2209	348-2203	94/95	At Large

continued on reverse side

1994

ASPCRO EXECUTIVE COMMITTEE

Name/Address	Phone	Fax	Term	Position
Kathy Fedder Pesticide and Plant Pest Management Division Michigan Department of Agriculture P.O. Box 30017 Lansing, MI 48909	(517) 335-6838	335-4540	93/94	At Large
Jim Harron Entomology & Pesticide Division Georgia Department of Agriculture Capitol Square Atlanta, GA 30334	(404) 656-3641	656-9380	93/94	At Large

aspcro.com

8-28-94 ASPCRO Board meeting

(I) ✓

(II) NPCA/ASPCRO Database
a) - structural laws & regs.
- state to state
- utility to present to legislature
- NPCA draft survey 8-27-94
- ASPCRO collaboration on survey
- Publish a document (every 2 yrs)
- update:
- Comments
  - survey (questions)
  - ASPCRO role
  -
- George Saxton → liaison w/NPCA

b) - collaboration? (sharing of ASPCRO position on termiticide PR-Notice

(III) Soil Residue Project
a) - Bernie Parresol : US Forest Svc. Statistician
- outside value = (1.5 X "H" score value)
- far outside = (X ")
- "H" score = where 25-75% of data pts. are located (box ~~plot~~ plot)

extensively investigated of last 40 yrs. (2)

Weibull Distribution model

- apply Weibel Dist (most widely used for dist of reliability testing)
- → capable of modelling for many biol. & ~~implantable~~ data
  - → easy to ~~all~~ compute percentile
  - → 3 parameters
- the smaller the "d" value the better the raw data fits the curve

probability

- percentile = the pt on dist curve where raw data falls above it; i.e. 5th p-tile = 95% fall above that pt

---

~~• Analysis of~~

- Data suggests 365 day results are not reliable
- May be reasonable to rely on data up to day 180 based on Gulfport degradation data
- Comm recommends the 10th percentile #'s up to day 180
- Board? ASPCRO?

- 180 day data: #'s calculated from ASPCRO day 1 data ~~based on Gulfport degradation study~~; Gulfport degrad. study has proven that first order kinetics apply
- Will prepare a written report

- Availability of raw data?
- Other statistical approaches to this data
  → Weibull is most widely used & supported
- Evaluation is defensible →

Motion

→ Lonnie: ASPCRO recommend → use these as min. threshold levels
→ Katherine:

~~III~~

IV Termiticide Labeling PR-Notice

- Comment period thru Sept. 12
- NPCA asking (thru letter) to extend comment period
- ~~Letter for~~ to Harvey Wormick requesting comment period be extended (~~60 days~~ 45 days)?
- Ask membership to let committee to collate comments & forward to EPA 837-7722
  → Roger B. (512)
  → ~~Bud~~ Paulson V. Self (602) 255-1281
- ASAP → (1 week)
- Coordinate ASPCRO min state w/ ASPCRO comments on PR-N

share w/ AAPCO

(V) Boraxes in foam insulation board

?

(VI) ~~Sentricon~~ CCH's, for RT's other Trade Journals

- let them make a presentation

(VII) Sentricon

- data gap for houses w/o a history of problems

* • 7:30 AM ~~Tu~~ (Mon.) Task Force will meet to discuss

- Sharing of label (revised) w/ HSPCRO?
- If no revision approval by EPA by market launch
- Label/Training Manual will come out w/ some geographical differences

CONDPACT

- Stations to be leased to PCO w/ condition of mandatory data reporting
- Mandatory training of PCO by EPA

*• V/E does not want manual to be labeling to facilitate copy revision.
→ State:

• Testing some different station designs

? • Prop deed March 15, 1996

• Artie helped get us involved

VII Training of Boards & Commission

• available at Davis

•

Mailing List

95 → Asheville, NC
96 → Santa Fe, NM
97 → ~~W. Va~~ TN.

• Regln Comm

• Barry B
• ~~Brain~~ Stanton
• Bob W

Now

• Kiwan Stewart
• VES

Al Long

• 2 yrs - Kathy C (off)
• 3 yrs - Jim Harman (off)

BOARD OF DIRECTORS meeting

8/28/94

Present: Barry Patterson (UM)
Jim Wright (SC)
Benny Mathis (TX)
Dr. Skip McDaniel (Gulf Area)
Roger Borgelt (TX)
Rick Chapman (WV)
Ray Siegel (IN)
Bob Rosenberg (NPCA)
Gene Harrington (NPCA)
Kiven Stewart (AK)

Bud Paulson (AZ)
Bob Wolfhorst (OH)
Dave Scott (IN)
George Saxton (IN)
Bernard Parrasol (USDA Forest Service)
Carl Falco (NC)
Katherine ~~Kathy~~ Feeder (MI)
Lonnie Mathews (NM)
Van Brock (TX)
Forrest St. Aubin (KS)

rep @ meeting

→ Requesting NPCA/ASPCRO database on significant State regulations. Have copy of survey to Board Members i.e., CFT, Licensing, notification, etc. IPM, etc..

→ George - Coordinate w/ NPCA on surveys

→ Rosenberg Req. opportunity to be included in discussion of PR notice on EPA Termiticide

→ Copy of Agenda
Soil Residue Project Results
Bernie Parrasol (USDA)
Dr. Skip McDaniel (Gulf Area)

→ Termiticide Labeling - PR NOTICE

Weibull DISTRIBUTION

— ~~Boratex on foam insulation~~ Board

U Weibull DISTRIBUTION

Jim Wright (SC) 0-180 is best to analyze data. Beyond 180 has no confidence. Recommend 10 percentile numbers and extrapolate to day 180.

** Passed

Motion: Adopt Scale for Terminal Residues as developed by Soil Residue Committee + present to full membership for vote.

IV ⇒ PR notice (Copy on file) 45 Day Letter to EPA Requesting extension on comment period.

Dave Gatt (NY), Roger Borgert (IA), Bud Paulsen (AZ) accept comments from members of ASPCRO re PR notice + forward to EPA.

V Borates in Foam Insulation Board

VI Technician Recertification Credits via Trade Journals.

VII Sentricon Termite Bait System
Report from Carl Falco (NC)
"Does not seem to be a good 'Preventative' Treatment."

①

ASPCRO Annual Mtg
8-29-94

Roger Gold

→ service industries must consider flex time to accomodate 2 career families
→ most PCO companies (TX) = 3 or fewer employees
→ need to return to basics of PC; sanitation, modification, sanitation & limited chemicals
→ regulators: require efficacy data before regis.
* → termiticide resistance
- analysis = very precise science
- taking of sample ≠ precise science
- interpretation of results ≠ precise science

→ necessary research has not yet been done
→ need unbiased testing of products, devices, technologies
→ need system like "orphan drug fund"
→ cockroach resistance takes ~20 generations = 3 yrs (Henry)

Artie Williams

- Biochemical & App Xfer → Janet Anderson (chief)
  - reduced use/risk + IPM (strategy: Dec 94?)

Work Groups: → measure progress
→ incentives
→ alt. tech.
→ strategy for research
→ implementation (ID) in possible barriers to
- brochure directed toward homeowner for

- XOX doing some high tech monitoring (GPS) work w/ Univ of Gainesville (Rick Brenner)

* - Sharing "confidential information" for regis. of new products w/ states only if manuf. agrees

- PRNotice → comment period closes Sept. 12
  - RUP → no. must meet criteria
  - optional vs. enforceable language
  - stding APK language
  - conc. vs. use dilute (need data)
  - remove inappropriate ~~#~~ env. hazard stmt
  - storage & disp. = no change now
  - use directions (add'l data to justify)
  - treatment longevity → 5 yrs; will accept less if doc. safer & implication
  - less than label rate (Zee)

- Regis → probably no FIFRA & other yet.

- Me Br → use out 2001; ozone depletes
  → Clean Air Act has no provision for no alt. chem/centers
- Occupational Health & C&T Div. will be combined.

NOW → Arthur: liaison for all GW, ES issues
→ Kathy Francobolz.

- Pesticide Labeling focus group

Skip McNamara

- 4 yr. degradation data
- Penetration of barriers (tubing & eating holes)
- Stratified sampling of cores
  - right over first tube where possible
  - no termiticide found in actual foraging material (i.e. imported from untreated area)
  - measured hours to knockdown in petri dish & it correlated fairly well to ppm
- Foraging study → termites coming in over the top of barrier

Jim Wright

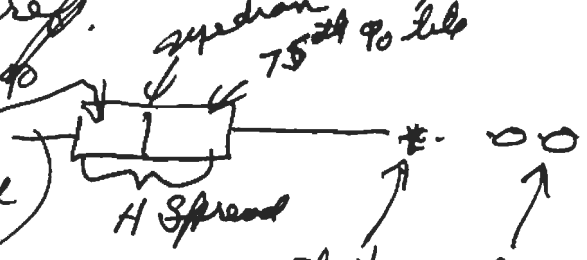
- 5th yr of 1 yr study
- Cook & well life CO_2 w/ real jobs
- Difficulty of getting commitment from all homeowners
- 84 structures, 4 states
- Field Study, not lab
- Obj.: develop info. to provide a "tool"
- → by lab, lowest rate
- Dry *, 1, 1, 180, 365*
- * analyzed
- Brought into study over course of over 1 yr.
- State labs & personnel
- Collected data (complete ~1 yr. ago)
- Committee to review & evaluate data
  - Regulators: USDA & Gulfport: & Bruce Forest Stff

→ ~~Mathematical~~ statistician w/ ~~USDA~~ US Forest Svc.

Obj: Find Residual Threshold Values for Regulatory Purposes

~~Pop~~

- Pop. of interest = entire US
- Reasonable to conclude that spread across US does ref.
- Day 1 & 365
- Box Plots



- Positive Skewed (Rt)
  - ↳ = data not normally distributed (3X "H")
- Normal Dist Theory will not help in est. threshold values
- Lit. search → shows most common dist theory = Weibull Dist.
  - ↳ many types of biol. & industries data

This part of data set most important

- Apis:

- Diff dist fn (other than Weibull) would result in similar results & conclusions
- 365 day Weibull didn't fit as well
- Drift out in that ~ 70%
- No data pts were eliminated

- Gulfport asked to cale.
- Unreliable to sample soil using this sampling method after 6 mos.
- States will decide how they want to use it.
- Worse case scenario. it doesn't get any worse than this)
- There will also be some who don't
- Procedure (predisposes sample to pass)
- Favors NCO by design

* • Skip tool raw data & those data pts. that looked odd were rerun by Gulfport & found work of state lab = right on

- Big diff across states
- STOP at day 180
- Will be published

Steve McMaster

- Sentricon – hexaflumuron (IGR)

Jim Ballard → developing a system vs. a product

- Philosophy: protection of structures vs. colony elimination

- Termite IPM → last piece of puzzle = bait
(1) • focus on inspection
- → ↑ interval (more than 1/yr)

(2) • moisture sources → correct sources
(3) • termiticides
(4) • foams
(5) • baits
- Product Termite Op. Sig
  - wide area
  - localized areas
  - variety of
- pulfluramid
- working w/ PCO's
- monitoring stations (1-5/critical area)
- no untreated baits (all tox. from start)
* • attach station directly to mud tubes
(6) • physical barrier

Drafting labels to work w/ IPM; will work ASAP

* First draft of warranty left being drafted by consultant for FMC

- Texas (Benny) developed videotape (6 hrs) for training; Dr. Phil Hausman

* - ASPCRO Resln to support CES/PAT

Esther Chavez (Texas AG)

- False Advertising Claims
- Consumer Protection Division
- Safe for children & pets
- Elegant Market Advertising
- Benny → newsletter: advice
- Deceptive Trade Practice
- Need to be able to substantiate claim at the time you make it
- Civil Investigative Demands
- 30 complaints & judgements served
  → gave examples
- TX → task force
- Proposed Regs
  → Public Comment Period
  → Rowe Support PC Service
  → EPA has reviewed & approved

Allen Abrahamson

* Offer to support other state efforts

Industry Forum

Tom McLaney

- 8-23-94 Post & Notif Guidance from EPA
- Lieberman looking at fed. posting reg.
- GAO assessing
- * Comment by Oct. 31

Chuck Hromada

- Record keeping → diff from state to state
  → draft stayed for
- Ecoscience – BioBlast (fungus)
  → dry microbial
  → mix w/water
  → direct appln to termites
  → EUP in SE states
  → colony reduction

Bob Danielson

- IPM in Schools
- Survey around country
- EPA IPM book a good start
- encourage more training of school personnel

Recommendations

SLA ① set as a priority ② designate a lead person who knows rules ③ step up enf. on complaints

L.P.

Suppliers

- large cos. feel they are easier targets for inspection
- multi-agency jurisdiction
- license renewal ≠ diff dates = tough
- lists of licensed applicators; RUP sales
- more training of inspectors → familiar w/ laws
- label rates →
- misuse → actual applicator should share resp.
- violn. tracking of an applicator
- volume of purchases for a customer → will work w/ SCA's
- warnings for 1st time offenders
- agencies to work together

Tom Friedrich

- quick fixes for perceived illy don't help
- there are no winners for sensational reporting

Bob Rosenberg

- 40 states w/ pre-emption bills
- some laws have ignored
- Study
  - → proceed w/ caution before any initiative
  - → ask to look at data
  - → look at maybe 5%
  - → [illegible] part of all evidence

→ ask to work together on Pesticide

8-31-94 ASPCRO Bus. Mtg.

1 • Open Mtg. to all (not closed)

2 • Treas. Report: 1-1-94 thru 8-24-94 (handout)
→ NES, Kim S : unanimous

3 • Next Mtg.
→ Sept 18, 19, 20 '95 : Asheville NC
→ Hoskins, Stewart

• 1996 Mtg
→ ~~Santa~~ Fe N. Mex.
• Wanda Howard, : unanimous

• 1997 Mtg Nashville
→ Tenn Check up for 1996 & 1997 if not
→ Scott, : unanimous

4 • Old Bus
(a) → Historical Record: Carl mails list to Benny & Benny mails one to everyone
(b) → Mailing List for mtgs
• state assns (list from NPCA)
• actively recruit participation from other state & assn & groups

(5) Section Comm.
→ history of how it shook out & ASPCRO got involved w/ cond. regis.
→ Dow Elanco cooperative during process
→ D/E will share revised label as soon as: (a) submitted to EPA or (b) approved by EPA
→ anticipate mtg again @ 1995 AAPCO spring mtg

(6) A second annual mtg of ASPCRO
→ ASPCRO is now very active
→ Board of Directors meet at AAPCO spring mtg.
→ EPA funding of mtg?
→ Kirk Bull:
a) want to meet one yr. trial
b) cover expenses of Board
c) pursue external source $ (EPA)

(7) PR-Notice
→ ASPCRO ad hoc comm. → Roger B. (FAX 512-837-7722) → Bud B. → Tod Thompson
→ Board: ask for extension 45 days
→ Be prepared by Sept. 12

(8) SFIREG
(a) → 5 yr. efficacy
(b) → New termite tests
} issue paper distributed
expand beyond termiticides

BCOS Sept. 7

(9) Historian's Report
- corrections: phone/fax to George
- George: task force
- ~~Jim H.~~
- Barry, VEB

Comm. regis. for retired ASPCRO members

(10) ASPCRO Directory
- Bud & Barry
- close to final

(11) New Tech. Working Comm (lobb language)
chair → Dennis Howard, Kim, Jim Hauch
→ active until issues are resolved

(12) Min. Treatment Stds (8-8-94 draft) - Bob Wulfhorst for Kathy Fields
→ may be in conflict w/state stds but that is not the goal
→ last comments were from NACT
· minor tech. issues
→ accept: Lonnie, Dennis Howard
Carl → customer request for omission of certain treatment stds;
NPCA → section II is a liveable document

(13) Soil Residue Comm Report & Guidance & Preamble → Jim Wright
→ comm & Bill McClellan (Zeneca) & Bob Rosenberg
- motion: Bard, YES → accept those #s (10th or Bryant)
- unanimous

(14) Posting & Notif Comm. (Roger B.) (517) 837-7722
→ draft distributed
→ no consensus: purpose → for employees ~~or~~
→ did not address pre notif of visitors at last mtg
accept: YES, Kevin: unanimous
→ OSHA now drafting rule re: indoor posting for all
to recharge comm. → motion: Carl & Forrest

Industry Input

- include disinfect?
- who posts?
- issues to consider?

(15) Mechanism to liaison & notify issues & collaborate w/others (i.e. NACA) &

(16) Rslns
(a) Recognize Tex for mtg. → largest attendance
(b) Event Sponsors
(c) Recognize George
(d) Include non-ag (ASPCA) person on MREP steering comm
(e)

(17) Nom. Comm
- 3 yr Jim Flaherty
- 2 yr Jim Gain

ASPCRO Balance Sheet[1]

As of 8/24/94

Account	8/24/94 Balance
ASSETS	
Cash and Bank Accounts	
ASPCRO Checking	9,111.48
ASPCRO Savings	4,263.01
Total Cash and Bank Account	13,374.49
TOTAL ASSETS	**13,374.49**
LIABILITIES & EQUITY	
LIABILITIES	0.00
EQUITY	13,374.49
TOTAL LIABILITIES & EQUITY	**13,374.49**

[1] Does not include special accounts for ASPCRO Soil Study or San Antonio meeting.

ASPCRO Cash Flow Report[1]

1/1/94 Through 8/24/94

INCOME/EXPENSE		
INCOME		
1994 Dues:		
Alabama	100.00	
Arizona	100.00	
Arkansas	100.00	
California	100.00	
Delaware	100.00	
Florida	100.00	
Georgia	100.00	
Illinois	100.00	
Indiana	100.00	
Kansas	100.00	
Louisiana	100.00	
Maryland	100.00	
Michigan	100.00	
Minnesota	100.00	
Mississippi	100.00	
Missouri	100.00	
Montana	100.00	
Nevada	100.00	
New Mexico	100.00	
North Carolina	100.00	
Ohio	100.00	
Oklahoma	100.00	
Ontario, Canada	100.00	
South Carolina	100.00	
Tennessee	100.00	
Texas	100.00	
Virginia	100.00	
Washington	100.00	
West Virginia	100.00	
Wisconsin	100.00	
Total 1994 Dues		3,000.00
Interest Income		785.13
TOTAL INCOME		**3,785.13**
EXPENSES		
Maintenance Fee		8.00
Office		537.26
Postage		125.40
TOTAL EXPENSES		**670.66**
TOTAL INCOME/EXPENSE		**3,114.47**

[1] Does not include Income/Expense from San Antonio meeting.

Wednesday, August 31,1994

Resolution 1: Recognition of the Texas Structural Pest Control Board

The members of the Association of Structural Pest Control Regulatory Officials recognize the outstanding efforts of the TSPCB as our host for the 1994 meeting. In particular we extend our special thanks to Benny Mathis and the staff for all of their efforts including the choice of a beautiful meeting site, Texas hospitality and an highly involved staff who took care of our every need.

Resolved: The members of ASPCRO express our sincere appreciation to the Texas Structural Pest Control Board for all of their work and effort which culminated in our largest attendance as well as a highly productive successful annual meeting.

Resolution 2: Recognition of Event Sponsors

There are numerous sponsors who contributed to the 1994 annual meeting of the Association of Structural Pest Control Regulatory Officials (ASPCRO). Provisions for support of hospitality arrangements are integral to communication which is the foundation of this meeting. Similarly, these hospitality arrangements resulted in enhancement of communication in a pleasant and relaxed atmosphere.

Resolved: The members of ASPCRO wish to thank the following sponsors. In particular we wish to acknowledge the Texas Pest Control Association and the San Antonio Pest Control Association for their assistance in organizing this program. Other gracious sponsors to be recognized include: Orkin Pest Control, All American Termite & Pest Control, Terminix International, Responsible Industry For A Sound Environment, United Products Formulators and Distributors Association, Dow Elanco, CTN Educational Services, Ciba-Geigy Corporation, David Ivie Training, Degesch America Inc., FMC Corporation, J.T. Eaton Company, Inc., Miles Corporation, National Pest Control Association, Van Waters and Rogers, Sandoz and Zeneca Professional Products.

Resolution 3:

Recognition of George Saxton for organization of ASPCRO Historical Record

Issue-George Saxton dedicated considerable time and effort during the last year reviewing the historical records of ASPCRO. He spent many hours talking with persons who were able to add further information. This effort has culminated in a published document.

Historical Record for Association of Structural Pest Control

Regulatory Officials

The document will serve several purposes. ASPCRO now has a tool to better communicate our process to non-members. Newer ASPCRO members will benefit from the knowledge of the association's history. Further, ASPCRO credibility, outside of it members, will be enchanced as non-members read and better understand the history of the association.

Resolved:

ASPCRO greatly appreciates the dedicated efforts of George Saxton which resulted in a new ASPCRO historical record.

Resolution 4:

Issue- The Pesticide Regulatory Education Program (PREP) has established a solid record in the development and adminstration of issues based on comprehensive training for pesticide regulatory officials. ASPCRO believes that many of its members have benefited from PREP training. However, there has not been an opportunity to specify non-agricultural issues which may be of distinct concern to the states represented by the association.

Resolved:

ASPCRO requests that there be consideration of including a non-agricultural program person on the PREP steering committee. Such involvement is needed to facilitate committee consideration of ASPCRO issues for future issue based training programs. The issue at the top of ASPRO's agenda is training specific to structural pest control inspectors.

Resolution 5-Revised - 08-31-94

Certification and Training Funds for Non-Certified Applicators:

The EPA formula for grant funds for certification does not currently factor in testing and licensing of pest control technicians and other non-certified applicators. The emphasis on Integrated Pest Management and reduced risk strategies by EPA will place further pressure on states for training and certification of technicians and other non-certified applicators.

Resolved:

ASPCRO asks the following:

(1) That EPA add non-certified applicators to the formula for determining allocation of certification and training grant funds to states;

(2) Increase the base funding for certification and training; and,

(3) States work with their Congressional delegations and allied associations to increase the federal funding for applicator and non-certified applicator training and certification.

Association of Structural Pest Control Regulatory Officials

September 2, 1994

Mr. Steve Johnson
Director, Registration Division
Office of Pesticide Programs
U. S. Environmental Protection Agency
401 M Street, S.W., Mail Code H 7505C
Washington, DC 20460

Dear Steve:

Please reference the recently published Statement Of Policy For Termiticide Labeling Revision. First, I would like to take this opportunity to thank those responsible for the draft policy because it is a significant move towards eliminating many of the problems with termiticide labels. ASPCRO is in complete agreement with most of the issues covered in the policy statement. I am certain that everyone will agree that certain issues and technologies have changed since this association endorsed the 1989 AAPCO/SFIREG Termiticide Labeling Report.

We strongly encourage EPA to move forward in a timely manner with the final implementation of this important policy. In an effort to give all of our member states an opportunity to make informed comments regarding this policy, we would request a forty-five day extension on the comment period. This will provide everyone sufficient time to provide the EPA with the feedback to assist you in making this policy final.

Thanking you in advance for your careful consideration, I am,

Sincerely,

Jim Wright

Jim Wright, President
ASPCRO

CC: Ms. Arty Williams, Mr. Bennie Mathis
Mr. Carl Falco, Mr. Bud Paulson. Mr. Dave Scott
/bkb (asp-epa.sj)

DRAFT -- 7 July 1994

June 30, 1994 revision

PESTICIDE REGULATION (PR) NOTICE 94-x

NOTICE TO MANUFACTURERS, PRODUCERS, AND REGISTRANTS OF PESTICIDE PRODUCTS

ATTENTION: Persons Responsible for the Registration of Pesticide Products

SUBJECT: Termiticide Labeling

This notice sets forth the Agency's policy with respect to certain use directions and precautions for soil applied and most other termiticide product labeling and minimum termiticide treatment longevity.

I. BACKGROUND

Because of the highly specialized nature of termiticides, a number of issues have evolved over the years with regard to the products' labeling regarding 1) limitations on distribution, sale or use; 2) precautionary statements; 3) environmental hazards statements; 4) storage and disposal statements; 5) use directions; 6) the longevity of termiticide treatments; and 7) application at less than labeled rates. This notice describes the Agency's decisions on some of these issues and the policies it intends to apply to current and future termiticide products.

II. SCOPE

This notice addresses currently registered termiticide labeling statements regarding environmental hazards, exposure information for construction workers, retreatment and use directions. Applicability to future product registrations will be determined on a case-by-case basis. However, this notice is not applicable to fumigant type termiticides such as sulfuryl fluoride and nitrogen.

In addition, this notice addresses questions about longevity of treatment and application at less than labeled rates. EPA believes that the label changes set forth in this policy, if adopted by registrants, will reduce risk while maintaining efficacy associated with currently registered products. Accordingly, failure of any registrant subject to this notice to adopt the label changes set forth in this policy may result in the issuance of a notice of intent to cancel or to enforcement action.

III. EFFECTIVE DATES

Registrants should make the changes specified in this notice on all termiticide products and submit an application for amendment to the appropriate Product Manager in accordance with Section XII of this notice. All products distributed or sold by registrants and supplemental registrants should bear labeling which is consistent with this notice and complies with the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) by **October 1, 1995**. All products distributed or sold by any person after **October 1, 1997**, should bear this labeling as well. After these dates, the Agency may either issue a Notice of Intent to Cancel a product or bring enforcement action against products that are not labeled consistently with this notice. Registrants should submit their applications for amendment as soon as possible to assure adequate time for review and approval from EPA before the effective dates in this notice.

IV. LIMITATIONS ON USE

Most currently registered termiticide products are not classified for restricted use, but contain label statements limiting their use to commercial applicators. The Agency will review these products individually during reregistration or on a case by case basis to determine whether they should in fact be classified for restricted use. Until EPA undertakes this review, registrants should continue to include the following statement on termiticide product labeling:

> "To be applied only by or under the direct supervision of pest control operators responsible for insect control programs. Use by persons who are not pest control operators responsible for insect control programs is prohibited."

Termiticide products already classified for "Restricted Use" will remain so classified and must bear the required restricted use statements on product labeling.

V. OPTIONAL VS ENFORCEABLE LANGUAGE

Labeling statements need to be clear as to whether they are mandatory or advisory. **Mandatory** statements, which **require** that certain directions or precautions be followed, are **enforceable**. To be mandatory, a statement either contains such key terms as "must," "shall" or "will" or contains an imperative expression (e.g., "Do not . . .," "Use only . . ." or "For use only by...") which indicates the necessity of acting according to the statement. **Advisory** statements, which **suggest** but do not require that a direction or precaution be followed, are **not enforceable**. Such statements contain words or phrases like "should," "may,"

"it is recommended that," "it is advisable to, " etc. Throughout this notice, EPA has assured that all required labeling statements are either mandatory or advisory, as appropriate. Registrants should follow this guidance whenever they revise their labeling.

VI. WORKER PROTECTION STATEMENTS

In 1992 the Agency issued a revised Worker Protection Standard (WPS) for agricultural pesticides (40 CFR 170). PR Notices 93-7 and 93-11 provided guidance to registrants for making revisions to agricultural pesticide labels required by new labeling regulations associated with WPS (new Subpart K of 40 CFR 156). These documents have resulted in standardization of label language, requirements and format among WPS agricultural pesticide labels, especially with regard to personal protective equipment (PPE).

The Agency is in the process of drafting guidance documents intended for use by registrants of occupational-use products, including products intended for structural pest control, i.e., termiticide products, and in making worker-protection related labeling decisions. It is expected that the scope of these documents will encompass all products primarily intended for occupational-use (non-home-use products), rather than just agricultural products under the WPS, so that the standardization of worker-protection label language and format will be extended to occupational-use products which are currently outside the scope of the WPS. **Registrants of end-use termiticide products should make revisions necessary to assure that their product labeling contains the current personal protective equipment terminology described in this section.**

Set forth below is the current terminology pertaining to personal protective equipment. In general, PPE requirements for pesticide handlers should be based on the acute toxicity of the <u>end-use product</u> by route of entry. Handlers, under this guidance, are defined as persons directly exposed to a pesticide, such as mixers, loaders, and applicators. **Registrants of end-use termiticide products, should refer to the acute toxicity data for the end-use product, determine the PPE required based on that data and compare that level of PPE to the corresponding PPE on existing product labeling and adopt either the toxicity-derived PPE or that already on the product labeling, whichever is more protective, as specified below. In addition, registrants should ensure that the labeling uses the standard nomenclature and should make whatever revisions are necessary to assure that the product labeling contains the current terminology.**

For example, "Chemical-resistant" means the PPE allows no measurable amount of the pesticide being used to move through the material during use. "Chemical-resistant" is the term to be used

instead of "water-resistant," "liquid-proof," "rubber," "impermeable," and similar terms that may be on current product labels to describe clothing, gloves, footwear, headgear or aprons.

The following examples of personal protective equipment statements reflect the minimum requirements, based on the acute toxicity of the end-use product, and contain acceptable terminology. If the requirements in the statements determined by following the instructions in this notice would not be sufficiently protective or would be overprotective for the end-use termiticide product, registrants should continue to use the personal protective equipment requirements on existing labels, but use the new required terminology.

A. Toxicity Category I. Signal Word: DANGER (Add POISON + Skull and Cross-bones if Toxicity Category I by oral, inhalation or dermal routes)

"Applicators and other handlers must wear coveralls worn over long-sleeved shirt and long pants, socks, Chemical-resistant footwear, chemical-resistant gloves, respiratory protection device[1], protective eyewear[2]."

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[1] If the Inhalation Toxicity of the end-use product is Category I or II, then one of the following respirator types and the appropriate Mine Safety and Health Administration (MSHA)/National Institute for Occupational Safety and Health (NIOSH) approval number prefix should be indicated: (i) Dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C; or (ii) Respirator with an organic-vapor removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-14G; or (iii) Supplied-air respirator with MSHA/NIOSH approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number TC-13F.

If the existing label for your termiticide product indicates that respiratory protection is required and specifies a respirator type, it shall be retained. The respirator statement must be revised, if necessary, to conform to the wording for one of the three respirators above.

[2] Protective eyewear is goggles, a faceshield, or safety glasses with front, brow, and temple protection. "Protective eyewear" is the term to be used instead of goggles and/or faceshield and/or shielded safety glasses.

B. Toxicity Category II. Signal Word: WARNING

"Applicators and other handlers must wear coveralls worn over short-sleeved shirt and short pants, socks, chemical-resistant footwear, chemical-resistant gloves, respiratory protection device[1], protective eyewear[2]."

C. Toxicity Categories III or IV. Signal Word: CAUTION

"Applicators and other handlers must wear Long-sleeved shirt and long pants, socks, shoes, chemical-resistant gloves, respiratory protection device[1], protective eyewear[2]."

Registrants who propose modifications to the environmental hazard statements on their product labels should follow the procedures set forth in Section XII of this notice.

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[1] If the Inhalation Toxicity of the end-use product is Category I or II, then one of the following respirator types and the appropriate Mine Safety and Health Administration (MSHA)/National Institute for Occupational Safety and Health (NIOSH) approval number prefix should be indicated: (i) Dust/mist filtering respirator with MSHA/NIOSH approval number prefix TC-21C; or (ii) Respirator with an organic-vapor removing cartridge and a prefilter approved for pesticides with MSHA/NIOSH approval number prefix TC-14G; or (iii) Supplied-air respirator with MSHA/NIOSH approval number prefix TC-19C or self-contained breathing apparatus (SCBA) with MSHA/NIOSH approval number TC-13F.

If the existing label for your termiticide product indicates that respiratory protection is required and specifies a respirator type, it shall be retained. The respirator statement must be revised, if necessary, to conform to the wording for one of the three respirators above.

[2] Protective eyewear is goggles, a faceshield, or safety glasses with front, brow, and temple protection. "Protective eyewear" is the term to be used instead of goggles and/or faceshield and/or shielded safety glasses.

VII. PRECAUTIONARY STATEMENTS

The Agency's current policy regarding precautionary statements is that they apply to both the concentrate and any use dilution unless the registrant provides data on the use dilution product which demonstrate lower toxicity. For example, if a label states "Do not get in eyes or on skin. Wear chemical-resistant gloves and protective eyewear. etc.," the Agency means that an applicator must wear those items during handling of the concentrate and during application of the product diluted for use unless specifically stated otherwise on the pesticide labeling.

VIII. ENVIRONMENTAL HAZARDS STATEMENTS

Because termiticides are applied both indoors and outdoors, product labels are required to carry generic environmental hazard statements that may, in some cases, result in inappropriate information. For example, a statement such as "Cover and incorporate spills" on a product intended to be applied only indoors would be inappropriate. Some termiticides may also carry a bee toxicity statement. Such a statement would not be applicable to products intended only to be injected into the soil or applied as a trench treatment. To remain consistent with the requirements of FIFRA, registrants should modify the Environmental Hazard statements on termiticide products labeled for indoor use where existing Environmental Hazard statements transmit inappropriate or inapplicable information. Existing Environmental Hazard statements should, however, be retained on termiticide products labeled for other uses for which the Environmental Hazard statements are appropriate. Registrants who propose modifications to the environmental hazard statements on their product labels should follow the procedures set forth in Section XII of this notice.

Some have surface appl. labels

IX. STORAGE AND DISPOSAL STATEMENTS

The Agency has proposed revised Storage and Disposal statements for pesticide products (59 FR 6712, Feb. 11, 1994). Until those statements are issued in final form, the Agency will continue to require the standard storage and disposal label language, as specified in P.R. Notices 83-3 and 84-1.

X. USE DIRECTIONS

A. Crawl Spaces

The Agency is aware that confusion exists regarding use directions for certain termiticides labeled for overall surface applications in crawl spaces. The wording currently used on some labels dealing with overall crawl space treatment does not indicate precisely where and how overall soil treatment may be

applied in crawl spaces. To clear up that confusion and to provide standardized labeling for treating crawl spaces (both accessible and inaccessible), the following standardized wording for treatment of crawl space areas must be used.

1. Accessible Crawl Spaces

"For crawl spaces, apply vertical barriers at the rate of 4 gallons of emulsion per 10 linear feet per foot of depth from grade to top of footing. Apply by rodding or trenching. Treat both sides of foundation and around all piers and pipes. See the mixing directions section of label if situations are encountered where the soil will not accept the full application volume.

A. Rod holes or trenches shall not extend below the footing.

B. Rod holes shall be spaced to provide a continuous chemical barrier.

C. Trenches need not be wider than 6 inches and not below the footing. The emulsion must be mixed with the soil as it is replaced in the trench.

D. Use fans to exhaust crawl space air when working in a confined area. Wear hard hat, long sleeve shirt, long pants, chemical-resistant gloves, protective eyewear and a respirator approved by the National Institute for Occupational Safety and Health (NIOSH) and Mine Safety and Health Administration (MSHA) for this class of chemical during treatment.

E. When treating crawl spaces or plenums, turn off the air circulation system of the structure until application-generated dust or spray has settled."

2. Inaccessible Crawl Spaces

"For inaccessible interior areas, such as areas where there is insufficient clearance between floor joists and ground surfaces to allow operator access, or areas which are too compacted for conventional rodding or trenching (e.g., adobe, limestone), and to prevent termites from constructing mud tubes from soil to crawl space wood members above, apply one or a combination of the following methods of treatment.

A. Apply to the soil surface, 1 gallon of emulsion per 10 sq. ft. overall using a nozzle pressure of less than 25 p.s.i. and a coarse fan nozzle (e.g.,

Delavan Type RD Raindrop, RD-7 or larger, or Spraying Systems Co. 8010LP TeeJet or comparable nozzle). For an area that cannot be reached with the application wand, use one or more extension rods to place the coarse spray on the soil. Do not broadcast or powerspray with higher pressures. Use fans to exhaust crawl space air when working in a confined space. Wear hard hat, long sleeve shirt, long pants, chemical-resistant gloves, protective eyewear and a respirator approved by the National Institute for Occupational Safety and Health (NIOSH) and Mine Safety and Health Administration (MSHA) for this class of chemical during treatment.

B. Drill through the foundation wall or through the floor above and treat the soil perimeter at a rate of 4 gallons of emulsion per 10 linear feet per foot of soil depth.

C. Excavate the crawl space to an accessible space, then treat as an accessible space.

When treating crawl spaces or plenums, turn off the air circulation system of the structure until application-generated dust or spray has settled."

Because overall surface application and treatment of plenums may increase indoor air concentrations of termiticides, especially in older homes without tight subflooring, the Agency has required registrants with these use patterns on their product label to submit air monitoring data or relevant information to assess the risk to applicators and inhabitants from inhalation exposure.

Registrants applying to add these uses to currently registered termiticide products or to register new products with these uses must use the above labeling statement and submit air monitoring data or relevant information to assess the risk from exposure via the respiratory route to applicators and inhabitants. Such labeling and data must be accepted by the Agency before applications for these uses will be approved.

To remain consistent with the requirements of FIFRA, registrants who have currently registered products with these use patterns on their label should submit an amended application to add the above standard language to the label. No additional data are required for these registrants, at this time, since they have already submitted acceptable air monitoring data or exposure information.

Registrants making these changes in directions for use should follow the guidance in the Procedures Section (Section XII) of this notice.

B. EXPOSURE INFORMATION FOR CONSTRUCTION WORKERS

EPA does not have any information demonstrating that a precautionary statement informing construction workers to wear protective clothing during or subsequent to pre-construction termiticide applications is necessary. In general, construction personnel or other individuals on-site during or subsequent to a pre-construction treatment application are neither directly nor frequently exposed to the pesticides being applied and, therefore, are generally considered not to be at risk. However, to ensure that construction personnel and other individuals are not exposed to termiticides during or subsequent to treatment, the Agency believes that label precautions are necessary. Accordingly, to remain consistent with the requirements of FIFRA, the following statement should be added to the label of all termiticide products with pre-construction application use directions:

> "Applicators must ensure that construction workers and other individuals are not present in the area where this product is being applied. After the site has been treated, the applicator must post warning signs around the perimeter of the treated area stating that the soil has been treated with a pesticide. Signs must remain in place until the slab is poured unless the slab is poured immediately after treatment." — VAGUE

C. RETREATMENT

To remain consistent with the requirements of FIFRA, registrants should add the following retreatment statement to their labels:

> "Retreatment for subterranean termites may be done only if there is clear evidence of reinfestation or disruption of the barrier due to construction, — EROSION excavation, landscaping and/or the breakdown of the termiticide barrier in the soil. Retreatments may be made to these areas in accordance with application techniques described in this product's labeling. Retreatment may be done as either a spot or complete treatment. The timing and type of these retreatments will vary, depending on factors such as termite pressure, soil types, soil conditions and other factors which may reduce the effectiveness of the barrier.

organic matter or microbial activity

Routine retreatment is prohibited unless there is clear evidence that reinfestation or barrier disruption has occurred."

D. COVERING TREATED SOIL

The Agency no longer requires the label statement "cover treated soil with a layer of untreated soil" and the statement has been deleted on most termiticide labels. To remain consistent with the requirements of FIFRA, registrants should delete this statement from all termiticide products.

E. TREATMENT AROUND WELLS OR CISTERNS

To remain consistent with the requirements of FIFRA, registrants should have specific instructions for treatment of structures that contain wells or cisterns (i.e., soil treatment is prohibited if wells and/or cisterns are located within a structure; soil outside the structure but in close proximity to a well and/or cistern must be treated in accordance with "excavation technique"). In addition, Pest Control Operators (PCOs) should follow Federal and local Federal Housing Administration/Department of Housing and Urban Development (FHA/HUD) regulations or ordinances regarding soil treatments.

too vague

F. Variable Application Rates

The Agency encourages termiticide product registrants, pest control companies and others responsible for PCO training to incorporate data from USDA's Gulfport, Mississippi Laboratory, together with recommendations of appropriate state entomologists, in the training of PCOs in order to facilitate their choice of the proper application rate where a variable rate exists on the termiticide product label.

The Agency is also receptive to the generation of data supporting variable application rates and appropriate label provisions regarding variable application rates. In addition, the Agency encourages the development of information and label provisions regarding the efficacy of such treatments in different soil types.

However, any new data which would support use of lower rates than those currently specified on the label should be submitted to the Agency with an application to amend the product to add those lower rates (refer to section XI.B.).

G. FORMOSAN TERMITES

The Agency encourages termiticide product registrants, pest control companies and others responsible for PCO training to place an emphasis on the importance of training PCOs in the use of proper application volumes, dosages and uniform distribution to control Formosan termites in their PCO training plans and in their research and development plans. In this regard, considerable data concerning application rates for Formosan termites and other types of termites are well documented by the United States Department of Agriculture's Forest Service (USDA-FS). USDA-FS can provide such data to interested parties. Requests for such data should be sent to USDA-FS, Field Experimental Station, Gulfport, Mississippi 39501.

Because application rates and method of control for the treatment of Formosan termites may differ from current labeling, any registrant adding Formosan Termite Treatment to his/her product label or seeking to register a new product for Formosan Termite Treatment may have to submit exposure and possibly air monitoring data to the Agency. Registrants contemplating adding this use pattern to their product label should consult with the Agency Product Manager for guidance prior to submitting their application.

H. TREATMENT OF VOIDS

The Agency requires that termiticide product labels provide clear and specific instructions for the treatment of different types of structural voids. In order to provide more adequate treatment of voids and to remain consistent with the requirements of FIFRA, registrants should adopt the following label language on all termiticide product labels intended for treatment of voids:

> "Treatment may be made through masonry voids in concrete blocks and brick or stone veneer to establish a continuous chemical barrier at the top of the footing. Apply at the rate of 2 gallons of emulsion per 10 linear feet of footing. When using this treatment access holes must be drilled below the sill plate and should be through a lower mortar joint as close as possible to the footing as is practical. Treatment of block voids in foundation walls must be closely watched: Applicators must ensure that leakage from the wall does not occur. In structures like this a second technician must be inside during the exterior treatment of voids. Do not treat in this manner through voids in walls constructed on interior slabs, such as basement floors.

When treating behind veneer foundations, such as brick veneer on the outside of a frame building, do not drill beyond the veneer. If concrete blocks are behind the veneer, both the blocks and the veneer may be drilled and treated at the same time."

Registrants rewording their termiticide product labels should follow the procedures set forth in Section XII of this notice.

The Agency also encourages more training of PCOs in the treatment of different types of structural voids and encourages The National Pest Control Association, termiticide registrants, State Cooperative Extension Services, and State Lead Agencies to continue to provide training and materials in these areas.

I. FOAM TREATMENT

Foam application is a recent innovation enabling volumetric treatment of certain inaccessible voids. It has been found to be useful in treating areas where conventional application may not give acceptable distribution of an aqueous emulsion. These sites would include situations such as sub-slab treatments where the fill has settled, and voids in and behind fireplaces, veneers, piers, etc.

Most current labels give dilution directions only for water and provide treatment information in gallons per square feet. Because foam applications use a different diluent and involve a unique application method, termiticide labels should bear specific instructions for this use. These instructions should be incorporated into the Directions for Use under post-construction treatments and should specifically provide information regarding proper dosage and dilution. The amount and type of diluent should appear on the label. Specific application instructions for each unique site should be provided.

Registrants applying to add these uses to currently registered termiticide products or to register new products with these uses must incorporate the above instructions. Product performance data are required to support new label uses unless adequate distribution data are provided with the submission. Such labeling and data must be accepted by the Agency before applications for these uses will be approved.

To remain consistent with the requirements of FIFRA, registrants who currently have registered products with these use patterns on their label should submit an amended application to add the above standard language to the label. No additional data are required for these registrants, at this time, because they have already submitted acceptable data/information.

Registrants making these changes in directions for use should follow the guidance in the Procedures Section (Section XII) of this notice.

J. PLUGGING OF HOLES

For safety reasons all holes must be plugged. Failure to plug holes in unoccupied areas, as well as occupied areas, may result in greater ambient air concentrations in occupied areas above the treatment site due to the movement of soil particles contaminated with the pesticide, especially in plenum-type construction. Therefore, the Agency's current labeling requirement that "all holes into which material has been applied must be plugged" will continue.

To remain consistent with the requirements of FIFRA, registrants of currently registered termiticide products without this statement on the product label should add it to the label and submit an amended application to the Agency per Section XII of this notice.

K. MIXING DIRECTIONS

To remain consistent with the requirements of FIFRA, registrants should include clear and specific mixing directions for each application rate on the label. The following generic directions should be used in labeling each chemical for soil treatment:

> "To prepare a ____% water emulsion, ready for use, dilute _____ gallons of (product name) in _____ gallons of water. To prepare a ____% (for labels with more than one rate) water emulsion, ready for use, dilute _____ gallons of (product name) in ____ gallons of water. For termite control operations requiring smaller volumes use _____ fluid ounces of (product name) per gallon of water to achieve a ____% concentration.
>
> Application Volume: To provide maximum control and protection against termite infestation it is important to apply the specified volume of the finished water emulsion as set forth in the directions for use section of this label. If soil will not accept the labeled application volume, the volume may be reduced provided there is a corresponding rate adjustment so that the amount of active ingredient applied to the soil remains the same. NOTE: Large reductions of application volume reduce the ability to obtain a uniform barrier."

Registrants should follow the procedures for modifying labels in Section XII of this notice.

L. PLENUM CONSTRUCTION

The Agency's policy with regard to plenum construction is that label directions for use in plenum construction will be the responsibility of the individual registrant, subject to Agency approval. However, registrants should be aware that they should also contact the Agency to determine any data needed to support application to such areas. For example, because these treatments are likely to increase air concentrations for plenum construction in older homes without tight subflooring, adequate air monitoring data or relevant information to assess the risk from exposure via the respiratory route to applicators and inhabitants must first be submitted by the registrant and accepted by the Agency.

XI. EFFICACY

A. LONGEVITY OF TREATMENT

The current Agency policy (see Pesticide Assessment Guidelines, Subdivision G, Product Performance) regarding termiticides is that such products should demonstrate efficacy for at least five years against termites. The most recent data from the USDA Gulfport Mississippi Laboratory regarding currently registered termiticides indicate that most currently registered products are effective for three to five or more years. In addition, the information from the USDA Gulfport Mississippi Laboratory supports the current five year termite soil treatment warranties required by Federal housing agencies concerned with new construction.

Until recently there was no need to consider the question of termiticide treatment longevity because all of the products submitted for consideration had a treatment longevity of at least three to five years and in most cases more than five years. However, a recent application for registration of a termiticide product with data demonstrating only one year efficacy at the rate proposed by the company against termites has caused the Agency to take another look at this question.

One year for control of termites does not appear to be appropriate from a safety or efficacy standpoint, considering the costs of treatment and the potential damage that could occur. The Agency does not believe that the homeowner should be subjected to such costly protection as would occur with products that are only efficacious for one year. Such products could, quite possibly, pose unreasonable adverse effects on the environment because of higher risk than alternatives (because more treatments required could result in greater exposure and risk) or fewer benefits (because of being less effective if not retreated, or more expensive if retreated).

Thus, the Agency is unlikely to grant a registration for a termiticide that requires annual retreatment unless the applicant can demonstrate that the pesticide is either significantly less toxic than currently registered pesticides or the benefits from the use of the pesticide are much greater than currently registered alternatives.

Until more data can be gathered and evaluated regarding what the longevity of termiticide treatments should be, the Agency will consider applications requesting registration of termiticide products on an individual basis. However, in addition to the standard data package for termiticide products and the risk and benefit information just described, the Agency will require additional data on anticipated homeowner and/or applicator exposure risks resulting from treatment and retreatment over the projected life-span of the structure to be treated and/or retreated.

B. MINIMUM APPLICATION RATE

Under Section 2(ee) of FIFRA, a pesticide may be applied at any dosage, concentration or frequency less than that specified on the labeling unless the labeling specifically prohibits such a deviation. Until now, the Agency had not acted to prohibit the application of termiticides at less than the labeled rate. However, per this notice Section 2(ee) will no longer apply to termiticides.

EPA has been informed by state enforcement agencies that application of termiticides at less than the labeled rates has resulted in significant and expensive problems for many consumers in the form of multiple retreatments and/or damage to property. In addition, these agencies have been prevented from enforcing cases in which applicators under-apply products, resulting in inadequate efficacy and unnecessary retreatments. Some states have in accordance with FIFRA section 24(b), regulated the use of termiticides to prohibit the application of less than the specified label dosage or concentration.

EPA has always required efficacy data to be submitted by registrants to demonstrate that termiticides perform their intended function as claimed. EPA has reviewed such data prior to registration to assure that the benefits of the use would outweigh the potential risks.

No efficacy data have been submitted by registrants or reviewed by EPA concerning use of termiticides at rates lower than the minimum rate specified on the label. Consequently, EPA has no evidence that such lower rates would result in adequate efficacy. Accordingly, EPA is concerned that registered

termiticides used at rates lower than those specified on the label may not achieve adequate benefits to counterbalance the risks from use.

EPA is further concerned that application at rates lower than the minimum would likely necessitate more frequent applications which, in turn, would increase the risks to applicators and users. Such increased risks, when balanced against lower or inadequate efficacy, would likely make a product unregisterable (or subject to cancellation).

In order to assure that termiticide products perform their intended function, that the benefits of their use outweigh their risks and that states are able to carry out enforcement necessary to protect the public, **EPA has determined that no termiticide may be used at less than the dosage or concentration specified on the labeling.** Accordingly, registrants should add the following statement to the labeling of termiticides:

> "DO NOT APPLY AT A LOWER DOSAGE OR CONCENTRATION THAN SPECIFIED ON THIS LABEL."

XII. PROCEDURES

All modifications to termiticide product labeling wording should be submitted as proposed amendments on the EPA application form 8570-1. In Section I of the application, indicate the Registration Division (RD) Product Manager (PM) for the product. In Section II of the application, make the following notation: "Amendment to product label in accordance with PR Notice 94-x on Termiticides." The amendment should be accompanied by five (5) copies of the proposed revised labeling. Applications should be sent to the following address:

For USPS Submissions:

Document Processing Desk (AMEND)
Office of Pesticide Programs (7504-C)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460-0001

For Courier Deliveries:

Office of Pesticide Programs
Document Processing Desk (AMEND)
Room 266A, Crystal Mall 2
1921 Jefferson Davis Highway
Arlington, Virginia 22202

XIII. FOR FURTHER INFORMATION

You may call Harvey Warnick, Insecticide-Rodenticide Branch, RD at (703) 305-5200 if you have any questions about this notice.

Stephen L. Johnson, Acting Director
Registration Division

AUG 0 1 1994

ENVIRONMENTAL PROTECTION AGENCY

[OPP-300347; FRL-4807-2]

Statement of Policy for Termiticide Labeling Revision; Availability for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting comments on a proposed policy for revising soil applied and most other termiticide labeling, except fumigant type termiticides such as sulfuryl fluoride and nitrogen. That policy has been developed in a draft pesticide regulation (PR) notice, "Termiticide Labeling," which is available upon request. Interested parties may request a copy of the Agency's proposed policy as set forth in the address section of this notice.

DATES: Written comments, identified by the document control number [OPP-300347], must be received on or before (*insert date 45 days after date of publication in the* Federal Register).

ADDRESSES: The PR Notice is available from Harvey L. Warnick. By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person: Rm. 208, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. By telephone: (703)-305-5200.

Submit written comments to: By mail, Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person: Bring comments to Rm. 1128, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA.

Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 1128 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Harvey L. Warnick, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 208, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-5200.

9-6-1587

SUPPLEMENTARY INFORMATION: Because of the highly specialized nature of termiticides, a number of issues evolved over the years with regard to products' labeling: (1) limitations on distribution, sale, or use; (2) precautionary statements; (3) environmental hazards statements; (4) storage and disposal statements; (5) use directions; (6) the longevity of termiticide treatments; and (7) application at less-than-labeled rates. In 1988, representatives from the termiticide manufacturing and user industry, State pesticide regulatory officials, and EPA representatives met voluntarily under the auspices of the Association of American Pesticide Control Officials (AAPCO) and the State FIFRA Issues Research and Evaluation Group (SFIREG) to identify specific issues to be addressed. The identified issues were set forth in AAPCO/SFIREG's 1989 Termiticide Labeling Report and were endorsed by the Association of Structural Pest Control Regulatory Officials (ASPCRO).

EPA has reviewed the AAPCO/SFIREG 1989 Termiticide Labeling Report and has developed a draft PR Notice setting forth proposed policy regarding termiticide lableing and longevity of termiticide treatments. This Federal Register notice announces the availability of the draft PR Notice and solicits comment on the proposed policy. If, after reviewing any comments, EPA determines that changes to the Policy are warranted, the Agency will revise the Draft PR Notice prior to release.

List of Subjects

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: JUL 7 1994

Acting Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 94–???? Filed ??–??–94; 8:45 am]

BILLING CODE 6560–50–F

Association of Structural Pest Control Regulatory Officials

M E M O R A N D U M

DATE: September 9, 1994

TO: Mr. Bob Rosenberg
National Pest Control Association
Ph: 800/678-6722

FROM: Mr. Jim Wright, President
ASPCRO
P. O. Box 21767
Columbia, South Carolina 29221
Ph: 803/772-0766
FAX: 803/772-8711

SUBJECT: SOIL RESIDUE DATA SYNOPSIS

This memorandum is in response to your proposed synopsis of the ASPCRO Soil Residue data. First, let me say that I am pleased to have the opportunity to comment before you print your article, and would ask that I be afforded the chance to review the final copy before printing.

I would first like to remind you that the ASPCRO Soil Residue Committee recommended that the states only sample the soil within six months of the completion date. For that reason, it is important to make reference to that proposed window of time and you may not need to reference the 365 day data in that it may confuse the issue.

Second, your footnote should focus on the bulk of the data, not a very small portion of the entire data set. The footnote should read:

"Tenth (10th) percentile residue amounts means that ninety percent (90%) of the residue amounts are equal to or above the estimated value; fifth percentile residue amounts means that ninety-five percent (95%) of the residue amounts are equal to or above the estimated value. The day one residues are based upon actual data collected; day 30, 90 and 180 are residue amounts which were calculated based upon the rate of degredation of these termiticides as seen in this study."

In that the 365 day amounts are not included, the deleted observations are irrelevant because those (day 365) residue amounts were not used.

Third, your example needs to show the full impact of the use of the tenth percentile numbers. For instance, for the ten homes which were treated, it may be correct that one out of ten samples could fall below the estimated value. However, consider the following:

NUMBER SAMPLES FAILED	PROBABILITY THAT SAMPLE FAILED EVEN THOUGH TREATMENT DONE CORRECTLY
1	1 out of 10
2	1 out of 100
3	1 out of 1,000
4	1 out of 10,000
5	1 out of 100,000
6	1 out of 1,000,000
7	1 out of 10,000,000
8	1 out of 100,000,000
9	1 out of 1,000,000,000
10	1 out of 10,000,000,000

It must be pointed out that the states would not expect the sixty-four parts per million (64 ppm) as you have suggested. That threshold value would be something less than that based upon:

1) The projected rate of decay;
2) The threshold value set by the individual state, which will surely be less than any of the day one estimates.

Finally, it should be pointed out that I appointed a committee to develop the language for the guidance document back to the states. Also, this Committee includes you (representing the User Community), and a manufacturer. This is an effort to develop that

guidance pragmatically, with significant input. It needs to be stressed to your members that these decisions are not unilateal and that no action would be taken based on one soil sample that would happen to fall below an expected threshold.

As an aside to my third point, if those ten houses were crawl space structures, there would be a total of thirty (30) composite samples involved. For the entire treatment to be deemed inappropriate, all three samples on a structure would have to fail. In that case, the probability that would occur is not one out of ten, but it would be one out of 1,000.

/bkb (as-rosen.909)

Association of Structural Pest Control Regulatory Officials

M E M O R A N D U M

DATE: September 27, 1994

TO: Jim Harron
Jim Igleheart
Bud Paulson
Dave Scott

FROM: Jim Wright, President
ASPCRO
P. O. Box 21767
Columbia, South Carolina 29221
Phone: 803/772-0766
FAX: 803/772-8711

RE: FUNDS FOR ASPCRO SOIL RESIDUE PROJECT

Enclosed is a check for the expenses incurred by each of your State Regulatory Programs during your participation in the Association of Structural Pest Control Regulatory Officials Soil Residue Project. I appreciate the hard work and the commitment from each of you. Without your participation, this study could never have been conducted.

Again, thanks for a job well done.

Encl. Check $13,821.25

Mr. James Harron
Georgia Dept. of Agriculture
Capitol Square
Atlanta, GA 30334-2001
FAX: 404/657-8378

Mr. Jim Igleheart, Program Manager
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2800 North Lincoln Boulevard
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Mr. Bud Paulson, Director
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Mr. David E. Scott
Indiana State Chemist Office
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West Lafayette, IN 47907
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RECEIVED
INDIANA STATE CHEMIST
DEC 28 1994

Geo

Association of Structural Pest Control Regulatory Officials

M E M O R A N D U M

DATE: December 20, 1994

TO: ASPCRO MEMBERS

FROM: Jim Wright, President, ASPCRO
Chairman, ASPCRO Soil Residue Committee

SUBJECT: ASPCRO SOIL RESIDUE DATA COLLECTION PROJECT GUIDANCE DOCUMENT

Enclosed you will find the Guidance Document for evaluating termiticide residues in soil samples. As you will recall, this is provided to you as a guidance for implementing a soil residue requirement or to enhance an existing soil sampling program. I will gladly answer any questions you may have.

Enclosure

ASPCRO GUIDANCE
DOCUMENT FOR SOIL SAMPLES

Enclosed you will find the results from the Association of Structural Pest Control Regulatory Officials (ASPCRO) Soil Residue Data Collection Project. We have evaluated seven termiticides, six of which are currently registered. You may recall, the design and implementation of this study is the result of direct input from the pesticide manufacturers, the Pest Control Industry (through NPCA), and ASPCRO. This Guidance Document is the net result of the findings of this study.

Soil sampling has been, and will continue to be, one of the many tools State Regulatory Agencies use in their respective programs. The purpose of this Document and this study is to:

1) Evaluate "by-the-label" termiticide applications performed by pest control operators and measure expected soil residue values under field conditions.

2) Provide guidance to State Regulatory Agencies regarding how to interpret the findings of this investigation.

3) Provide guidance for implementation of study findings into respective State programs.

This study was conducted in four (4) states (Arizona, Georgia, Indiana, Oklahoma). In each state, there were three groups of seven (7) structures, for a total of twenty-one (21) structures per state. Each of the seven structures in each group was treated with one of the seven termiticides included in the study.

STATE	NUMBER OF GROUPS AND STRUCTURES	NUMBER OF STRUCTURES
ARIZONA	3 groups of 7 structures	21
GEORGIA	3 groups of 7 structures	21
INDIANA	3 groups of 7 structures	21
OKLAHOMA	3 groups of 7 structures	21
	TOTAL NUMBER OF STRUCTURES IN STUDY....	84

Soil samples were obtained:

- just prior to the treatment,
- immediately after the treatment,
- thirty (30) days after the treatment,
- 120 days after treatment,
- 365 days after treatment.

The enclosed results of this study were statistically evaluated by Mr. Bernie Parresol, who is a Mathematical Statistician with the USDA Forest Service, Southern Forest Experiment Station, Institute for Quantitative Studies, in New Orleans, Louisiana. Mr. Parresol indicated to us that the data generated in this study were not normally distributed, a not uncommon occurrence in scientific studies. Thus, Mr. Parresol used what is known as a three parameter Weibull model to evaluate data distribution. The net result of this evaluation was that the data fit this model very well. This particular model is the best method for establishing a lower threshold value. The Weibull is a theoretical distribution with three parameters that is useful for modeling certain types of data. Thus, Mr. Parresol was able to calculate the estimated parts per million lowest threshold values for the termiticides in this study. The estimated residue amounts were then projected using percentiles. As you can see from the enclosed documents, those estimates are represented as the first, fifth, tenth, and fifteenth percentiles. A brief explanation of these percentiles would be, for example, the fifth percentile shows that 95% of the residue amounts would actually be equal to or greater than the estimated fifth percentile parts per million value.

The USDA Forest Service, Southern Forest Experiment Station, Gulport, Mississippi, has shown in earlier studies (Kard, McDaniel, et. al) that first order Kinetics applies to the rate-of-decay of termite control pesticides in soil. Using the first order Kinetics calculations, Dr. Skip McDaniel was able to project residue amounts based upon the rate-of-decay as seen in this study. Please note these projections are for thirty (30) days, ninety (90) days, and one hundred and eighty (180) days. You will recall we only analyzed the time zero (before application), the day one, and the day 365 samples. However, this allowed Dr. McDaniel to calculate the rate-of-decay of the termiticide based upon those residue amounts. An example of this would be the expected threshold value for Dragnet FT, within the first thirty (30) days, would be ninety-seven parts per million (97 ppm). (See Chart A)

ASPCRO
TERMITICIDE SOIL RESIDUE REQUIREMENTS

CHART A

TERMITICIDE	DAYS POST-TREATMENT	PPM*
TORPEDO	30	90
	90	78
	180	63
TRIBUTE	30	204
	90	180
	180	150
PREVAIL FT	30	64
	90	56
	180	46
DEMON TC	30	41
	90	35
	180	28
DRAGNET FT	30	97
	90	92
	180	85
DURSBAN TC	30	100
	90	76
	180	51
PRYFON 6	30	42
	90	22
	180	08

PPM*: These are the lowest expected threshold values (expressed in parts per million) based upon the fifth percentile estimations. These ppm values were calculated by taking the fifth percentile projection and measuring the rate-of-decay as seen in this study.

ASPSOIL2.CHT 12-13-94

RECOMMENDATIONS

1. Individual soil core samples should be taken using a standard sampling procedure. A composite sample consists of eight individual one-inch diameter cores taken to a depth of six (6) inches that have been combined together. Two individual cores should be taken from each side of the structure (with the understanding that there will be four general sides of each structure).

2. The recommendation from the Soil Residue Committee is that no regulatory action should be taken based upon one individual soil sample. When you obtain multiple soil core samples from treated structures, and combine them into a composite sample, you ensure that the samples represent a true and fair picture of the treatment.

3. ASPCRO recommends the States implement a strategy which would include no less than two composite samples from a critical area (i.e., outer foundation wall, inner foundation wall, or foundation pier) for consideration.

4. ASPCRO recommends that soil core composite samples be obtained within six (6) months of the treatment date. ASPCRO is confident that the projected estimates for six (6) months can be used as a valid regulatory tool. Additionally, this provides a significant "benefit of doubt" to the applicator.

ASPCRO PROJECT - WEIBULL MODEL RESULTS

CHART B

DAY	CHEMICAL	1st PERCENTILE (PPM)	5th PERCENTILE (PPM)	10th PERCENTILE (PPM)	15th PERCENTILE (PPM)
1	DEMON TC	28	44	64	86
1	DRAGNET FT	71	100	133	165
1	DURSBAN TC	42	114	184	247
1	PREVAIL	57	68	81	96
1	PRYFON 6	15	59	110	160
1	TORPEDO	69	97	128	157
1	TRIBUTE	203	217	236	256
365	DEMON TC	5	18	35	52
365	DRAGNET FT	58	72	91	111
365	DURSBAN TC	1	4	9	16
	(2 obs deleted)=>	14	22	33	43
365	PREVAIL	9	31	55	78
365	PRYFON 6	< 1	< 1	< 1	< 1
365	TORPEDO	33	41	52	63
365	TRIBUTE	85	102	125	149

WEIBULL1.CHT (12-13-94)

SFIREG ISSUE PAPER

ISSUE:

EPA Registration of Termiticides.

BACKGROUND:

There is a need for a scientifically based and economically sound efficacy standard for termiticides when they are considered for registration by EPA. The USDA Forest Service Laboratory at Gulfport, Mississippi, is recognized as the pre-eminent source for development of efficacy data submitted in support of termiticide registration. The USDA has included additional test protocols into their evaluation of termiticide chemicals, one of which now includes analytical data specific to environmental degradation of soil applied termiticides. Climatic and other environmental conditions, as they exist in different regions of the United States, present significant difficulties in the successful utilization of standardized termiticide products and application methods. There are numerous reports of the failure of currently registered termiticides, when used under field conditions, to provide adequate control of termites for five years, which is the current efficacy standard accepted by the pest control industry and most pest control regulatory agencies.

Five years ago these termiticides (cypermethrin, permethrin and fenvelerate) were registered under less rigorous criteria and do not meet the current standards at the lowest rates of 100% efficacy for five years at four sites. All termiticides that do not meet the new standards should be re-evaluated. Recently EPA registered a termiticide that does not meet the existing standard of 100% efficacy for five years at all four USDA test sites. EPA has previously enforce this standard as a condition of registration.

RECOMMENDATION:

The Association of Structural Pest Control Regulatory Officials (ASPCRO) and State FIFRA Issues Research and Evaluation Organization (SFIREG) supports the continued concept of a minimum five year efficacy standard for the registration of conventional soil applied barrier termiticide products. ASPCRO encourages the US EPA to similarly support this standard when the agency considers the registration of a termiticide product. Additionally ASPCRO believes that prior to registration by the EPA, any new soil barrier termiticide should be registered only after the product has demonstrated 100% efficacy for five years at the four USDA Forest Service research sites. The efficacy data should be generated using a standard protocol developed with input from registrants, users groups, researchers and state regulatory officials based upon actual field application trials and not merely data generated in

near-ideal laboratory situations. Such registration must consider as its minimum use concentration for labels, the minimum concentration which meets the five year efficacy standard under USDA test conditions. Such standards should be met by subsequent products registered under "me too". And further, EPA should evaluate the importance of soil degradation data generated by the USDA Forest Service Laboratory when they consider registration of a termiticide product.

ISSUE:

Registration and Labeling of Termiticide Products such as Baits, Biologicals, Wood Treatments, Foam Applications, Etc.

BACKGROUND:

Alternative treatment technologies for termites and other pests are moving toward EPA registration and greater acceptance by the pest control industry. Considering the diversity of non-conventional control methods and products and the very significant differences between the new concepts and current control strategies, many questions will need to be answered concerning how to regulate these new products and methods. These include foam applications and baits. Clear, concise labeling is imperative to proper use of these methods and technologies. State regulatory agencies have a long history of regulation of the pest control industry and as such many ASPCRO members are highly qualified in the area of termite control and environmental assessment of termiticide products.

RECOMMENDATION:

In the spirit of our state-federal partnership with the EPA, the regulatory officials encourage the EPA to include state regulatory officials in the process of development of regulatory standards and labeling for new and other pest control technologies. Proper initial labeling will prevent future problems with products and methods used in wood destroying insect control. Further, the Association of Structural Pest Control Regulatory Officials (ASPCRO) and State FIFRA Issues Research and Evaluation Organization (SFIREG) recommends that those states involved in the process represent the diverse geographic regions of the United States.

9/8/94

ASSOCIATION OF STRUCTURAL PEST CONTROL REGULATORY OFFICIALS

PROPOSED MINIMUM SUBTERRANEAN TERMITE TREATMENT STANDARDS

INTRODUCTION

The following document is intended to serve as a model for states who are considering the adoption of laws or regulations related to the application of termiticides. This model represents the minimum soil treatment standards for subterranean termite control recommended by the Association of Structural Pest Control Regulatory Officials (ASPCRO). The model is directed primarily towards those pesticide products applied as 8chemical barriers for the control of subterranean termites. This standard is directed primarily towards soil treatment and does not include other pesticide products applied as dusts, aerosols or fumigants, nor does it address application technology such as foams, biological control agents or baits.

I. LABELED USE OF CHEMICAL BARRIER TERMITICIDE

Termiticides permitted for the control of subterranean termites shall be only those compounds that are registered by the United States Environmental Protection Agency and the State of _____, and are labeled for use in the control of termites. A termiticide shall be used only at the specific rate(s), volume(s) and manner prescribed by the label, except in the situations described below.

II. VARIATION FROM LABEL

Both pre-construction and post-construction treatments include establishing a continuous chemical barrier in all applicable and labeled areas, and utilizing at least the minimum application concentration and volume prescribed by the product label. However, limited deviations from the termiticide label application volumes and placement may be permitted if the conditions outlined in both (a) and (b) below occur:

(a) One or more of the following situations is present:

1. Specific environmental conditions are such that application of a pesticide at the full labeled concentration and volume may result in adverse environmental impact. Examples may include the presence of a well, a footing drain that empties into a water body, a high water table, etc.

2. Structural barriers or soil conditions or types exist that prohibit application of the labeled volume or limit access to applicable soil treatment areas;

3. Construction elements are present that would or could encourage a reduced volume, e.g., poured walls vs. hollow block walls;

4. Specific customer request.

(b) The following information is furnished in writing to the customer:

1. A full disclosure explaining the difference between full and partial applications. The disclosure shall include the termite control strategies being utilized and the reasons for those alternatives;

2. The pesticide(s) used, including brand name and EPA registration number;

3. The actual volume of termiticide applied;

4. Specific information of sufficient detail to distinguish where treatment actually occurred, including a graph of the structure identifying treated areas, utilities and sites of termite activity;

5. A clear, concise statement indicating whether the application has any guarantee or warranty, and the terms of the guarantee or warranty, e.g. retreatment (full or partial), damage and retreatment, or no warranty.

III. GENERAL TREATMENT STANDARDS

(a) All cellulose-bearing debris such as scrap wood, wood chips, paper, etc. must be removed from beneath the structure. Removal must be performed by the property owner prior to treatment, or through a separate agreement between the property owner and the pest control operator.

(b) All direct wood/soil contact, both inside and outside the foundation should be addressed by the property owner prior to treatment or by a separate agreement with the pest control operator.

(c) Termite tunnels - Remove all accessible termite tunnels from foundation walls, pillars and those on the wood understructure.

(d) Securely plug or fill with mortar all drill holes in living areas, basements, and other commonly occupied areas immediately following treatment.

IV. PRETREATMENT FOR TERMITE CONTROL

(a) MONOLITHIC SLAB

After grading is completed and prior to pouring of the slab, create a horizontal barrier with termiticide by treating the soil under the entire slab as directed by the product label. Treat all critical areas such as, bath traps, plumbing lines, openings, electrical conduit openings, etc. with a termiticide. After final grade and landscaping, trench or trench and rod and treat the entire perimeter of the slab foundation with a termiticide as specified in IV(a) above.

(b) SUSPENDED (SUPPORTED) AND FLOATING SLABS

Treat as described in (a) above for monolithic slab. In addition to this treatment, treat the soil in the bottom of the trench with a termiticide prior

to pouring the footing. If this footing is poured prior to pretreatment, treat the block/brick voids in the foundation wall with termiticide. After foundation walls are erected and prior to pouring the slab, trench or rod and trench and treat soil on the interior and exterior perimeters of the foundation walls with a termiticide as specified in IV(a) above.

(c) PIER AND BEAM (CRAWL SPACE)

After grading is completed and prior to pouring the footing for the foundation walls, pillars, pilasters, chimneys, etc. apply the termiticide to the soil in the bottom of the trenches. If the footings are poured prior to the pretreatment, treat the voids in the block/brick foundation walls, pillars, pilasters, etc. with a termiticide as specified in item VI(b) above. Treat interior adjacent to the foundation walls, pillars, pipes, etc. After final grading, trench or trench and rod soil adjacent to the exterior footing/foundation walls, pillars, pipes, and any other object from the structure to the soil with a termiticide as specified in IV(a) above.

V. CRAWL SPACE CONSTRUCTION

(a) Trenches - Trench or trench and rod to treat soil adjacent to all sides of all foundation elements with a termiticide, from the top of the grade to the top of the footing. Trenches shall be a minimum of four (4) inches wide and deep. Soil injection techniques alone shall not be acceptable except when access to the foundation soil is impeded.

1) Where footings are less than four (4) inches beneath the top of the grade, trench shall extend to the top of the footing.

2) Where the footings are not covered by soil, dig trenches adjacent to, but not below the bottom of the footing.

3) Footings less than twelve (12) inches deep shall be treated at the same rate used for a footing which extends twelve (12) inches below soil grade.

(b) Pipes - The soil adjacent to pipes underneath the structure shall be treated by rodding or trenching according to label directions. When pipes are covered with insulating material, treat to penetrate soil below the depth to which such covering extends.

(c) Treatment of Voids in Masonry Construction Elements - Drill and treat all voids in multiple masonry elements of the structure extending from the structure to the soil.

(1) The distance between drill holes shall not exceed 12 lineal inches.

(2) Drill holes shall be no more than 16 inches above the footing or immediately above the lowest soil level, whichever is closest to the footing.

(d) Dirt Fills - All dirt filled construction elements such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by one of the following methods:

(1) Excavation - Remove soil in at least a 12 inch by 12 inch area beneath the slab adjacent to the main foundation wall and treat soil as indicated in item IV(a).

(2) Drill and Treat -

A. Drill vertically through slab as close as practicable from the foundation wall at no more than 12 inch intervals and treat soil beneath slab to the top of the footing. In determining the drilling interval, attention should be paid to soil type and compaction. Drill holes shall be placed so as to establish a continuous termiticide barrier in the soil; or

B. Drill horizontally through the wall of slab or other structure at no more than 12 inch intervals beginning immediately below the bottom of slab and rod treat soil from yhe bottom of the slab to the top of the footing. Drill holes shall be spaced so as to establish a continuous termiticide barrier in the soil. In determining the drilling interval, attention should be paid to soil type and compaction.

VI. EXISTING SLAB-CONSTRUCTION

Post-construction treatment for subterranean termites in structures with slab-construction must be in conformance with the following procedure:

(a) Rod or trench and treat the soil adjacent to the outside perimeter of the slab foundation as described in IV(a).

(b) Treat all traps and other accessible openings in the slab.

(c) Treat all expansion joints, visible cracks and other openings in the slab with a termiticide by rodding under or drilling through the slab and thoroughly treating the area beneath the slab where the above stated conditions exist. Drill and treat all attached slabs (porches, patios, carports, garages, walkways, etc.) When the slab is drilled or rodded the holes must not be more than 12 inches apart along the above stated areas.

(d) Drill at intervals not to exceed 12 inches and treat all masonry voids and brick veneer walls.

VII. BASEMENT CONSTRUCTION

(a) Trenches - Trench or trench and rod to treat soil adjacent to all sides of all foundation elements with a termiticide, from the top of the grade to the top of the footing. Trenches shall be a minimum of four (4) inches wide and deep. Soil injection techniques alone shall not be acceptable except when access to the foundation soil is impeded.

1) Where footings are less than four (4) inches beneath the top of the grade, trench shall extend to the top of the footing.

2) Where the footings are not covered by soil, dig trenches adjacent to, but not below the bottom of the footing.

3) Footings less than twelve (12) inches deep shall be treated at the same rate used for a footing which extends twelve (12) inches below soil grade.

(b) Treatment of Voids in Masonry Construction Elements - Drill and treat all voids in multiple masonry elements of the structure extending from the structure to the soil.

(1) The distance between drill holes shall not exceed 12 lineal inches.

(2) Drill holes shall be no more than 16 inches above the footing or immediately above the lowest soil level, whichever is closest to the footing.

(c) Basement Floors - Treat beneath the basement floor along the inside of the foundation walls, along cracks int he basement floors, alonng interior load bearing walls, around sewer pipes, conduits and piers.

(d) Dirt Fills - All dirt filled construction elements such as concrete slab porches, steps, chimneys, porch columns, etc., shall be treated by one of the following methods:

(1) Excavation - Remove soil in at least a 12 inch by 12 inch area beneath the slab adjacent to the main foundation wall and treat soil as indicated in item IV(a).

(2) Drill and Treat - -

A. Drill vertically through slab as close as practicable from the foundation wall at no more than 12 inch intervals and treat soil beneath slab to the top of the footing. In determining the drilling interval, attention should be paid to soil type and compaction. Drill holes shall be placed so as to establish a continuous termiticide barrier in the soil; or

B. Drill horizontally through the wall of slab or other structure at no more than 12 inch intervals beginning immediately below the bottom of slab and rod treat soil from yhe bottom of the slab to the top of the footing. Drill holes shall be spaced so as to establish a continuous termiticide barrier in the soil. In determining the drilling interval, attention should be paid to soil type and compaction.

COMPOUND	PERCENTILE	DAYS POST-TREATMENT	PPM
Pryfon 6	10	30	75
		90	35
		180	11
Torpedo	10	30	119
		90	102
		180	82
Tribute	10	30	224
		90	202
		180	172
Prevaid FT	10	30	78
		90	74
		180	67

COMPOUND	PERCENTILE	DAYS POST-TREATMENT	PPM
Demon TC	10	30	61
		90	55
		180	48
Oragnet FT	10	30	129
		90	121
		180	110
Dursban TC	10	30	160
		90	120
		180	79

ASPCRO PROJECT - WEIBULL MODEL RESULTS

Day	Chemical	Location	Scale	Shape	1st Percentile (PPM)	5th Percentile (PPM)	10th Percentile (PPM)	15th Percentile (PPM)
1	DEMON TC	24.0	377.9444	1.0	28	44	64	86
1	DRAGNET FT	60.6853	497.6238	1.1608	71	100	133	165
1	DURSBAN TC	8.7407	867.8413	1.4050	42	114	184	247
1	PREVAIL	54.0	254.6806	1.0	57	68	81	96
1	PRYFON 6	0.0	766.7690	1.1557	15	59	110	160
1	TORPEDO	58.9818	433.0866	1.2196	69	97	128	157
1	TRIBUTE	199.0	344.8857	1.0	203	217	236	256
365	DEMON TC	0.0	274.8841	1.0892	5	18	35	52
365	DRAGNET FT	53.7	348.6778	1.0	58	72	91	111
365	DURSBAN TC (2 obs deleted)=>	0.0 ----- 12.1	162.9486 -------- 189.8535	0.7645 ------ 1.0	1 -- 14	4 -- 22	9 -- 33	16 -- 43
365	PREVAIL	0.0	334.1999	1.2430	9	31	55	78
365	PRYFON 6	0.0	11.3996	0.3263	< 1	< 1	< 1	< 1
365	TORPEDO	31.0	190.8417	1.0	33	41	52	63
365	TRIBUTE	80.0	418.5028	1.0	85	102	125	149

ASPCRO PROJECT - WEIBULL MODEL RESULTS

Day	Chemical	Location	Scale	Shape	1st Percentile (PPM)	5th Percentile (PPM)	10th Percentile (PPM)	15th Percentile (PPM)
1	DEMON TC	24.0	377.9444	1.0	28	44	64	86
1	DRAGNET FT	60.6853	497.6238	1.1608	71	100	133	165
1	DURSBAN TC	8.7407	867.8413	1.4050	42	114	184	247
1	PREVAIL	54.0	254.6806	1.0	57	68	81	96
1	PRYFON 6	0.0	766.7690	1.1557	15	59	110	160
1	TORPEDO	58.9818	433.0866	1.2196	69	97	128	157
1	TRIBUTE	199.0	344.8857	1.0	203	217	236	256
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365	PREVAIL	0.0	334.1999	1.2430	9	31	55	78
365	PRYFON 6	0.0	11.3996	0.3263	< 1	< 1	< 1	< 1
365	TORPEDO	31.0	190.8417	1.0	33	41	52	63
365	TRIBUTE	80.0	418.5028	1.0	85	102	125	149

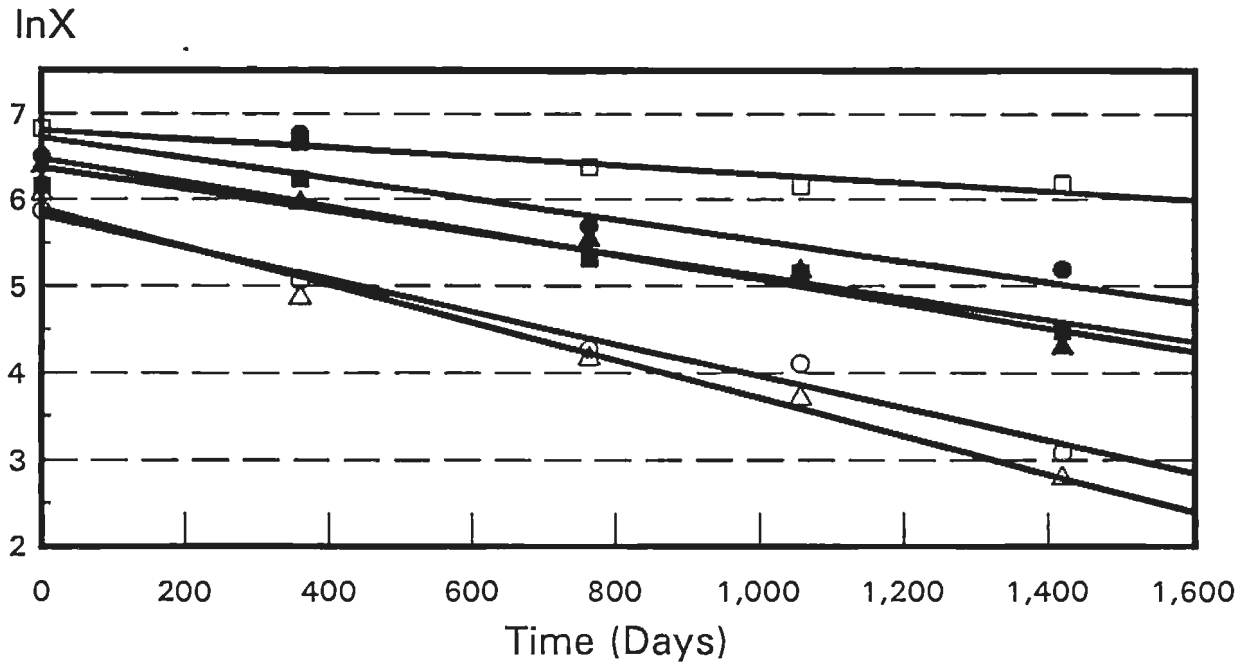
COMPOUND	PERCENTILE	DAYS POST-TREATMENT	PPM
DEMON TC	10	30	61
		90	55
		180	48
	5	30	41
		90	35
		180	28
DRAGNET FT	10	30	129
		90	121
		180	110
	5	30	97
		90	92
		180	85
DURSBAN TC	10	30	160
		90	120
		180	79
	5	30	100
		90	76
		180	51
PREVAIL FT	10	30	78
		90	74
		180	67

COMPOUND	PERCENTILE	DAYS POST-TREATMENT	PPM
PREVAIL FT	5	30	64
		90	56
		180	45
PRYFON 6	10	30	75
		90	35
		180	11
	5	30	42
		90	22
		180	8
TORPEDO	10	30	119
		90	102
		180	82
	5	30	90
		90	78
		180	63
TRIBUTE	10	30	224
		90	202
		180	172
	5	30	204
		90	180
		180	150

HALF-LIFE (DAYS)

	INSIDE	OUTSIDE	COMBINED
DURSBAN TC	1682	1120	1351
DEMON TC	320	313	318
PREVAIL FT	377	371	374
TRIBUTE	651	501	576
DRAGNET FT	672	445	551
TORPEDO	519	432	481

COMBINED DATA



DURSBAN	DEMON TC	PREVAIL
TRIBUTE	DRAGNET	TORPEDO