

# Association of Structural Pest Control Regulatory Officials

April 24, 1995

Ms. Rebecca Cool, Deputy Branch Chief  
Insecticide and Rodenticide Branch, Registration Division  
U.S. Environmental Protection Agency  
1921 Jefferson Davis Highway, Crystal Mall #2, Room 213  
Arlington, Virginia 22202

Dear Rebecca:

Enclosed you will find a copy of *A Study of the Rates of Diminution of Termiticides in Soil*, which is the soil termiticide study we discussed earlier today. This study was conducted at the U.S.D.A.- U.S. Forest Service, Southern Forest Experiment Station in Gulfport, Mississippi. It is co-authored by Dr. C. A. McDaniel and Dr. Brad Kard of the Forest Service.

This is a pre-publication copy of the manuscript which is in the review process for publication now. The manuscript has been reviewed by many members of the scientific community and has been widely published in non-refereed trade journals. The work has been accepted without fail in both cases.

Pursuant to your question regarding problems seen as a result of the "less than label" rate applications, I would offer the following from the aforementioned study:

1. Bottom of Page 3, #4 (third line from bottom): Stated Objective - "correlate the concentration of termiticide with termite penetration of this treated soil."
2. Page 12 (last paragraph): "Wood blocks that had been placed on the treated barriers were checked for termite attack after 12, 21, 35, and 44 months." The balance of Page 12 and Page 13 is a discussion of how the termites will attack the wooden blocks after placement upon the top of treated soil.
3. Table 1, Page 16: Termiticides and Rates - These represent the lowest labeled rates.

Ms. Rebecca Cool, Deputy Branch Chief  
Insecticide and Rodenticide Branch, U.S. EPA  
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4. Table 4, Page 17 and 18: Shows the number of blocks attacked by termites after treatment of the soil.

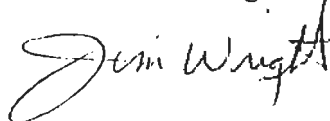
You can readily see from this study that when you treat the soil at the labeled rate, a significant number of structures are likely to be attacked anyway. The only reasonable conclusion to be drawn from using an even lower rate is that more structures will be attacked.

Pest control operators routinely try to make the argument that they offer some type of warranty on the structure as a substitute for a full label rate application. The warranty will always provide for additional treatment with termiticide. The net effect of this is repeated pesticide exposures that could have been prevented with a proper treatment originally.

Finally, I have heard the argument that "full label rates" are acceptable to pest control operators during pre-construction treatments but not for existing treatments. I would argue that there should be no distinction between the two. The need for protection certainly does not diminish with an existing structure and in any case, it is more difficult to treat an existing structure. I fail to see the wisdom in reducing the application rate while increasing the degree of difficulty.

If I can be of further assistance on this matter, please feel free to call on me anytime.

With kindest regards, I am

A handwritten signature in dark ink, appearing to read "Jim Wright". The signature is fluid and cursive, with a large initial "J" and a stylized "W".

Jim Wright, President  
ASPCRO

Enclosure

CC: Dr. C.A. McDaniel  
Mr. Bennie Mathis  
Mr. Carl Falco  
Mr. George Saxton

/bkb (a-cool 424)

# Association of Structural Pest Control Regulatory Officials

**RECEIVED**  
MISSISSIPPI STATE CHEMIST

MAY 15 1995

May 9, 1995

Dr. Brian Forschler  
Department of Entomology  
Georgia Experiment Station  
Griffin, Georgia 30223

Dear Brian:

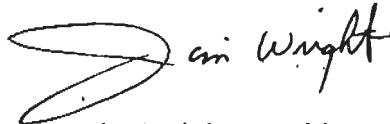
Please reference our recent telephone conversation regarding the Soil Residue Data Collection Project recently completed by the Association of Structural Pest Control Regulatory Officials (ASPCRO). As we discussed briefly, ASPCRO has been asked by the National Pest Control Association (NPCA) to have an independent party review the raw data and the statistical evaluation of those data for confirmation.

I will provide you with a complete packet of information on this study to include the study plan, etc. However, as we discussed, we will only need for you to speak to the statistical modeling used to evaluate the results as seen in this study. Per our conversation yesterday, Jim Harron and I will plan to visit with you at 1:30 p.m. on the afternoon of Tuesday, May 23 at your office in Griffin. The purpose of this would be to meet you and answer any questions regarding this study.

Finally, we decided that your fee for your work on this evaluation would be \$300. Immediately upon completion if you will forward an invoice or letter to me detailing your charge, ASPCRO will remit payment directly to you.

If you have any questions or comments, please don't hesitate to call me at 803: 772-0766. I look forward to working with you.

With kindest regards, I am,



Jim Wright, President, ASPCRO

CC:

ASPCRO Board of Directors

Mr. Bob Rosenberg, National Pest Control Assoc., 8100 Oak St., Dunn Loring, VA 22027

Dr. Richard Kramer, National Pest Control Assoc.

Mr. Jim Harron, Georgia Dept. of Agriculture, Capitol Square, Room 242, Atlanta, GA 30334-2001

/bkb (a-forsch.ltr)

# Association of Structural Pest Control Regulatory Officials

May 25, 1995

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

Dear Steve:

I want to thank you for the opportunity to address this issue of labeled rates as it pertains to the use of termite control pesticides. It is clearly a multifaceted problem. ASPCRO appreciates the concession made by the NPCA relative to pre-construction termite treatments. We agree that the full labeled rate should be applied during these treatments because full labeled rates are most effective.

It appears that the problem to be resolved is the issue of full labeled rates for post-construction termite treatments. ASPCRO is in agreement that there may exist certain circumstances which warrant less than a full labeled rate application. We have an obligation to make those provisions available to the purchaser of the treatment. We also have an obligation to protect man and the environment as we make those provisions available for less than full labeled rate applications for termites.

As I stated in our conference call on May 30, 1995, the National Pest Control Association (NPCA) does not speak for every pest control professional in the United States. They have approximately two thousand members, and there are approximately thirty thousand companies across the country. Also, the NPCA has attempted to couch this in terms that it is only a business decision to make less than labeled rate applications. I submit that we have a responsibility to embrace the scientific community as we make that decision. The U. S. Department of Agriculture, Forest Service, in Gulfport, Mississippi, is clearly on record in support of full labeled rate applications for the control of subterranean termites. Yet the NPCA has tried to dismiss that in lieu of the ability to unilaterally make less than labeled rate applications, with no explanation, justification or disclosure.

Mr. Steve Johnson  
U.S. EPA, Washington, DC  
May 25, 1995  
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We also have the responsibility to protect man and the environment from potential harm. If you apply termite control pesticides at less than the labeled (efficacious) rate, the net result over time will be repeated applications. This is supported by termite control warranties which generally state that additional treatments will be made if the original treatment fails.

ASPCRO is clearly supportive of individuals who purchase the application of pesticides making an informed decision relative to the rate and concentration of termiticide applied to their property. If the NPCA is correct that it "doesn't matter to the customer", what harm is done by providing the information in the form of disclosure. The NPCA has made the argument that it makes no difference because the treatment is backed by a warranty. All warranties are backed by an insurance company. Most insurance companies will support the Pest Control Operator (PCO) if he makes a proper application. Will the insurance company cover those treatments that are made at less than full labeled rates? If not, the "warranty" is useless. Does it make sense that the insurance companies will accept the inherent liability with every different applicator making applications of termiticides at any concentration and rate they deem necessary? If the treatment failed after a less than full labeled rate application, who is responsible? Is it the PCO? Is it the termiticide manufacturer? Is it the insurance company?

All of these things are part of our responsibility to protect man and the environment from actual and potential harm. I submit that unilateral less than efficacious applications will increase the number of applications over time, thus enhancing risks to people and property.

ASPCRO offers the following language for termiticide labeling.

- That post-construction treatment for the control of subterranean termites should be made at the full labeled rate. Certain circumstances such as environmental conditions (i.e., list examples) physical, or construction anomalies may justify an application at less than the full labeled rate. In situations where less than the full labeled rate is applied, the owner of the property or their agent must be notified, before the work is begun, of the rate (volume) and concentration applied. Also, the reason for the less than labeled rate application must be included.

ASPCRO feels that this will allow the purchaser of the service to make an informed decision relative to these applications. Further, if the pest control professional is going to base the decision to make a less than full labeled rate application on a valid reason, he should have no problem disclosing his intent and reasoning. I would submit, that if he is unwilling to make that information available "up front", there must be some reason other than professional judgement.

Mr. Steve Johnson  
U.S. EPA, Washington, DC  
May 25, 1995  
Page Three

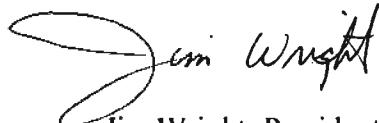
While not as comfortable with this position, we would consider allowing the registrant to provide efficacy data in support of the lowest efficacious application rate and concentration. This, of course, would be subject to review and comment by the scientific community at the U.S. Forest Service at Gulfport, Mississippi. Also, please note ASPCRO is on record as supporting five years of efficacy as a means of eliminating the loading effect of repeated pesticide applications over time.

Finally, perhaps we could only stipulate that pre-construction treatments must be made at full labeled rates, thus, ~~leaving the current language in place relative to post-construction treatments~~. This would require the states to continue to deal with post-construction problems at the state level.

Steve, we feel that the cooperative efforts of the EPA and the state pesticide regulatory agencies are largely the same. We have an obligation to ensure the protection of man and the environment from actual as well as potential harm. This protection clearly extends to man and his property. It makes no difference if his property happens to be a building or a field of cotton.

Thank you for the opportunity to participate in this important decision. I look forward to continued discussion.

With kindest regards, I am



Jim Wright, President  
ASPCRO

cc: ASPCRO Board of Directors  
cc: George Saxton  
/bkb (johnson.531)

# Association of Structural Pest Control Regulatory Officials

**RECEIVED**  
INDIANA STATE CHEMIST

JUN 23 1995

copy → Hank  
Sigel  
Sapton

## MEMO

**To:** Jim Harron  
Carl Falco  
David Scott  
Bennie Mathis  
Bob Russell  
Dr. Brad Kard  
Dr. Skip McDaniel

**From:** Jim Wright

**Subject:** ASCPRO Soil Residue Project

**Date:** June 23, 1995

Enclosed you will find the letter from Dr. Brian Forschler regarding the ASCPRO Soil Residue Project. You will recall, per our agreement with the NPCA, Dr. Forschler did an independent evaluation of the statistics used to evaluate the data in our soil residue study.



# The University of Georgia

College of Agricultural & Environmental Sciences  
GEORGIA AGRICULTURAL EXPERIMENT STATIONS

Department of  
Entomology

Georgia Station  
Griffin, Georgia 30223-1797

June 6, 1995

Jim Wright, Regulatory Supervisor  
Department of Fertilizer and Pesticide Control  
Clemson University  
P.O. Box 21767  
Columbia, SC 29221

Dear Jim,

In this letter I will outline my opinion concerning the appropriateness of the statistical analysis of the data from ASPCRO's Termiticide Soil Residue Study and the proposed national soil residue requirements based on those data.

This study was undertaken for the purpose of establishing national standard residue requirements for those termiticides registered as of 1991. I believe the protocol for this study was appropriate for examination of soil residue analysis of Pest Control Operator field applications considering the time and monetary constraints placed on the participants. The protocol required standardization of application technique and equipment in order to reduce the potential variability in application of a termiticide soil barrier due to technique or equipment choice. However, the protocol attempted to capture the variability inherent in the different soil types and climatic influences which could affect termiticide soil residue recovery. The data certainly reflects the variability inherent in analysis of termiticide soil residues from four different states. It must be remembered that reflecting this variability was an expressed intent of the protocol.

We live in an imperfect world. These data highlight the perplexities involved in defining a proper termiticide application. This is the only data set I am aware of that is applicable to "real world" termiticide application practices and regulatory soil sample analysis. This study, undertaken in good faith, to obtain information relevant to setting a national standard for termiticide soil residue requirements was conducted and the data analyzed in a manner appropriate to its original intent and most certainly was a learning experience for the parties involved.



Initial analysis showed that the soil residue data were not normally distributed. Because of this, a non-linear mathematical model was required to properly evaluate the data. The three parameter Weibull model was an appropriate choice. The goodness of fit (Kolmogorov D) test with the Weibull model on the Day 1 soil residue data provided a reasonable fit for each of the termiticides tested. Projecting a residue estimate based on first-order kinetics degradation curves, provided by the USDA Forest Service Forestry Services Laboratory at Gulfport, MS, to obtain residue requirements for Days 30, 90, and 180 is a reasonable use of the available data as applied to the ASPCRO soil residue study.

Given the myriad potential variables which could affect termiticide residue distribution following application, soil sample collection, and soil residue analysis it is appropriate to examine the data to view the potential for regulatory action being taken against applicators that make a by-the-label application. By examining the percentage of soil samples that fail to meet the projected soil residue standards predicted by the Weibull distributions and first-order kinetics models one can estimate how well the data fit the statistical model. The percent of Day 1 and Day 30 samples which fail to meet the expected standard requirements based on the Weibull projections for 30 days post-treatment was 5.3%. If one considers that 2 out of 2 samples are required to fail before regulatory action is taken, then 4.7% of the Day 1 and Day 30 samples fail to meet the 30-day post treatment requirements based on the Weibull projections. These data, therefore, meet the confidence limits set by the statistical model and should be considered statistically appropriate. Using the projected Day 90 residue standards and comparing the Day 1 and Day 30 data to this standard shows that 3% of the samples fail to meet the standard. Given that regulatory action would be taken only after 2 out of 2 samples failed then 2% of the ASPCRO sites fail to meet the Day 90 standard. Examining the Day 1, 30, and 90 data using the 180 Day requirements then 2.6% of the samples fail and regulatory action would be taken against 1.9% of the sites using the 2 out of 2 sample rule. Examination of the data indicate that the percentage of soil samples which fail to meet the requirements set by the Weibull model fall within the confidence limits of the statistics and therefore confirm the validity of the statistical model used in analysis for establishment of the national standard soil residue requirements.

Interpretation of experimental data involves not only the use of statistics, which are an important tool, but must include the experience and knowledge base of the interpreting scientist to determine the biological ("real world") significance of the data. Therefore, after review of all the data, I would suggest a compromise set of regulatory standards be implemented which would meet the needs of the regulatory community, address concerns of the industry, and fit the available data set. Instead of requiring separate standards for 30, 90, and 180 days post-

treatment I would apply a single standard residue requirement for each termiticide but restrict residue analysis sampling to no more than 6 months post-treatment. This compromise would involve using the day 180 projected 5th percentile residue requirements based on the Weibull analysis and first order kinetics degradation curves as the residue requirement for samples taken up to 180 days post-treatment for all the termiticides tested with two minor adjustments. The suggested requirements would be Tribute - 110 ppm, Dragnet - 81 ppm, Torpedo - 63 ppm, Prevail - 46 ppm, Demon - 28 ppm, and Dursban - 51 ppm. These requirements can be justified by the entire data set which shows that 0.9% of the samples fail to meet these standards and none of the sites would have been cited for failure to meet regulatory requirements based on the 2 out of 2 failed samples criterion. I believe this standard would serve the regulatory purpose of the national standard soil residue requirements and assure the industry that the potential for regulatory action against proper applications would be minimal.

Sincerely,



Brian T. Forschler  
Assistant Professor

Association of  
Structural  
Pest  
Control  
Regulatory  
Officials

TO: GEORGE  
SAXTON  
HISTORIAN  
FOR: ASPCRD  
ARCHIVES

FROM: JIM  
WRIGHT

RECEIVED  
STATE CHURCH

OCT 27 1994

October 24, 1994

Mr. Ken Butler  
N.P.S.  
P.O. Box 348  
911 Industrial Drive  
Perryville, Missouri 63775

Dear Mr. Butler:

I am in receipt of your September 17, 1994, correspondence regarding the recent changes and exceptions considered by the North Carolina Building Code Council Committee. I am pleased to see that the North Carolina Building Code Council adopted the proposal to revise their Code regarding the use of foam treated with borate. However, the proposed exceptions largely negate the wisdom of using borate impregnated foam insulation. I would offer the following observations with respect to the proposed exceptions.

A. If you use untreated foam insulation under a monolithic slab, it will act like untreated soil and the termites will be allowed access to the structure by breaching the barrier of treated soil.

B. The idea that one inch of concrete between the untreated foam and any wood of the structure will not stop termites. As stated earlier, termites will, and do, readily mine the foam insulation. This fact, coupled with the fact that concrete does and will crack (stress crack, controlled crack, expansion joint, etc), makes it very unlikely you will prevent attack from subterranean termites.

Mr. Ken Butler  
October 24, 1994  
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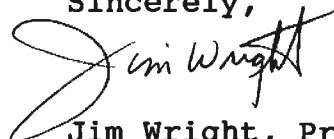
C.& D. The idea of an inspection gap is the most favorable solution. The width for an inspection gap should be a minimum of six inches (6"). The one-inch gap plus the width of the foam board is simply not enough. The problem is much the same as the building code requirement which prohibits the wood of the structure being placed within eighteen inches (18") in the crawlspace, and a minimum of six inches (6") for exterior wood siding (Southern Building code). There is a significant level of wisdom in not allowing the wood of the structure to come into contact with the soil. Untreated foam materials in close proximity or in contact with the soil presents many of the same problems as wood in those situations.

E. Termite shields are an antiquated method of assisting in termite detection. The concept of using these shields proved nearly forty years ago to be of little or no value to the property owner or the pest control professional with regard to subterranean termite detection. In this regard, it makes little sense to incorporate an antiquated detection method in lieu of cutting edge technology.

The problem has a simple answer. Just as the building code does not allow wood of the structure to come into contact with soil, don't place the foam board in direct contact with the soil. However, if you must make that soil contact (i.e., the foam is placed under a concrete slab), insure that it is borate impregnated. The foam board which is to be used vertically on the walls of the structure can easily be incorporated in a way that it will not contact the soil.

I hope these comments will be helpful. I share your opinion that it is a very responsible position for the Building Code committee to make an informed decision regarding these important changes.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wright", with a stylized flourish at the end.

Jim Wright, President  
ASPCRO

CC: George Saxton  
Carl Falco

/bkb (butlerke.024)



# Association of Structural Pest Control Regulatory Officials

September 9, 1994

Mr. Ken Butler  
NPS Corporation  
911 Industrial Drive  
P. O. Box 348  
Perryville, Ohio 63775

Dear Mr. Butler:

This letter is in response to a question posed to me regarding the use of expanded foam insulation board which has been treated with a borate pesticide. The Association Of Structural Pest Control Regulatory Officials (ASPCRO) represents state structural pest control regulators in the United States and the Province of Ontario, Canada.

We recognize the many problems created by structural pests gaining access to buildings through foam insulation materials. The primary problem appears to be with subterranean termites getting into this material below grade and causing significant problems.

It is the position of ASPCRO that the foam insulation materials in general should not be used below grade. We feel this represents a situation which makes it impossible to control infestations of subterranean termites. Termites will readily mine these foam insulation materials and gain access to the structure. It appears that uses of the foam materials for the perimeter insulation of slab foundations, foundation walls of crawl space houses, insulation of walls, behind earth-filled porches, steps and patios, generally extend to the top of the footing. Conventional termite control success depends entirely on one's ability to create a continuous barrier around all potential entry points. When a pest control operator treats for termites, the treatment does not

Mr. Ken Butler, NPS Corp.  
September 9, 1994  
Page Two

kill the colony of insects. Instead, the placement of a continuous barrier of pesticide in the soil prevents the termites from gaining access to the structure. The use of the foam in this manner renders that prevention impossible.

ASPCRO feels that if foam insulation materials must be used in the construction, as a minimum:

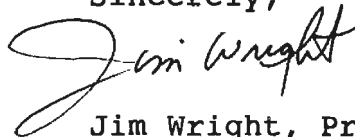
- 1) The builder should make it clear to the pest control operator that the foam insulation is to be used.
- 2) There must be an area of several inches (approximately six inches) around the perimeter for inspection purposes.

Finally, if the foam insulation material is to be used, it certainly should be resistant to attack from termites and other wood destroying insects. ASPCRO views the borate-treated expanded foam insulation materials much like pressure treated lumber products. If used correctly, these borate impregnated materials can certainly hinder termite attack. However, this will not guarantee termites won't attack the structure, because the insulation extends below grade.

Borate treated foam materials represents an innovative approach to the application of new technology. We support the proper incorporation of these products in buildings and view them much like we would treated lumber products. I appreciate the opportunity to comment on this important issue.

With kindest regards, I am,

Sincerely,

A handwritten signature in black ink that reads "Jim Wright". The signature is stylized with a large, sweeping "J" and a cursive "Wright".

Jim Wright, President  
ASPCRO



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 23 1994

OFFICE OF  
PREVENTION, PESTICIDES AND  
TOXIC SUBSTANCES

Dear Addressee:

Enclosed is a copy of our draft guidance for States and local jurisdictions regarding posting related to outdoor residential and commercial pesticide applications. The U.S. Environmental Protection Agency (EPA) developed this draft guidance to help State and local jurisdictions which intend to establish posting programs for lawn care pesticide use to do so in a consistent manner. EPA plans to strongly recommend that existing posting programs modify the warning requirements to achieve national compatibility. A consistent national standard would allow EPA and the States to develop a national education program and would encourage compliance among companies that operate in several jurisdictions.

At this time, EPA has not made any determination whether to institute mandatory Federal posting requirements in order to reduce or prevent unreasonable adverse effects. However, there is interest in uniform guidance in a large number of States and local jurisdictions.

Further, EPA does not currently believe that there is a need for guidance for notification via registries. However, we are interested in your comments on this issue. Information on this topic has previously been described in EPA's Lawn Care Pesticides White Paper (1993).

As a former member of the Lawn Care Pesticide Advisory Committee (LCPAC), your comments and views are especially important to us. Please provide any comments you may have, in writing, to:

Linda Keola P. Murray  
Communications Branch (7506C)  
Field Operations Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
401 M Street, SW  
Washington, DC 20460



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- 2 -

Your comments by October 31, 1994 will be appreciated. Thank you in advance for your assistance.

Sincerely yours,

Lynn R. Goldman, M.D.  
Assistant Administrator

Enclosure



## Guidance for States and Local Jurisdictions Regarding Posting Related to Outdoor Residential and Commercial Pesticide Applications

**SUMMARY:** The U.S. Environmental Protection Agency (EPA/the Agency) is today issuing proposed (draft) guidance for states and local jurisdictions regarding posting for outdoor residential and commercial lawn pesticide applications. This notice also provides an explanation of the rationale for EPA's decision to issue this guidance and a discussion of the provisions of the guidance. EPA intends that this guidance will help States and local jurisdictions who wish to establish a posting program ~~which is nationally consistent.~~

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At this time, the Agency is soliciting your comments on all aspects of this proposed guidance. Written comments must be received on or before ~~November 30~~, 1994.  
*October*

### PROVIDE WRITTEN COMMENTS TO:

Linda Keola P. Murray (7506C)  
U.S. EPA, Office of Pesticide Programs  
Field Operations Division, Communications Branch  
401 M Street, SW  
Washington, DC 20460

### I. INTRODUCTION

The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) requires that pesticides distributed in commerce for use in the United States be registered for use in the United States and authorizes EPA to issue new pesticide registrations. Since many pesticides were registered in the past under earlier versions of FIFRA when scientific knowledge and regulatory practices were quite different, FIFRA requires EPA to reexamine, or "reregister" pesticides that were registered prior to November 1, 1984. The reregistration process currently underway covers about over 600 pesticide active ingredients and is scheduled to be completed over the next ten years.

## 2

FIFRA authorizes EPA to require that pesticide registrants submit data in order to assess the risks and benefits associated with use of a pesticide, to review and approve pesticide labels and labeling submitted by registrants, and to cancel or suspend pesticide registrations that do not comply with FIFRA. FIFRA requires that a pesticide must perform its intended function without causing unreasonable adverse effects, and that if a pesticide generally causes unreasonable adverse effects, EPA may modify the pesticide's use to reduce risk, or even cancel its registration.

FIFRA also authorizes EPA to undertake rulemaking to institute "other regulatory restrictions" as needed. Such restrictions could include measures such as residential and commercial lawn care posting requirements.

"Posting" refers to placement of signs at visible entry areas to inform bystanders that a pesticide has been recently applied. Posting specifications can specify the size and placement of signs, the written and graphic messages to be included, and the size of the type and the color of the sign.

At this time, EPA has not made any determination as to the necessity of instituting mandatory Federal posting program in order to reduce or prevent unreasonable adverse effects. However, EPA has determined that there is sufficient interest in such requirements in a large number of states and local jurisdictions to warrant issuance of posting guidance.

EPA is issuing this guidance in order to promote a "good neighbor" policy regarding residential pesticide applications and to facilitate harmonization of posting programs. It is also hoped that this guidance will provide legislators with a useful guide to the issues that must be confronted if new lawn care posting legislation is developed in the future.

The primary basis for EPA's decision to provide guidance to support State and local jurisdictions enacting outdoor residential pesticide application posting and notification requirements is the concept of the "Right to Know". The "Right to Know" concept has increasingly become a part of environmental regulation in the United States, and has been embodied in environmental statutes ranging from the California Safe Drinking Water and Toxic Enforcement Act of 1986 to the Federal Emergency Planning and Community Right-To-Know Act. "Right to Know" refers to the principle that citizens exposed to substances which may pose significant risks to their health and well-being have a right to receive basic information about such exposures. Furthermore, those who undertake the activities which result in such exposures can generally be expected to bear the burden of providing such information.

Pesticides are biologically active substances usually designed to have toxic effects on living organisms. Accordingly, citizens who may be exposed to such substances legitimately expect to be informed about significant exposures. In recognition of this, EPA has already established posting requirements applicable to

agricultural pesticide applications. The final Worker Protection Standard (WPS), issued August 21, 1992, requires agricultural employers to notify their employees of pesticide applications. It should be noted that many of the pesticides used for agricultural purposes are also used in a residential setting. This notification can be oral in some circumstances, but sometimes, based upon the toxicity of the product and the expected exposure, this notification must be given by posting a sign. The design of the sign is also specified in the WPS.

Available evidence about the potential risks presented by residential lawn care treatment underscores the notion that the provision of basic information to those who are potentially exposed by such treatment is warranted. Among the pesticides registered for use on residential lawns are chemicals which can cause a variety of adverse health effects if exposure is sufficient. Reports of poisoning incidents related to residential pesticide applications commonly give information about adverse effects such as headaches, nausea, vomiting, and skin and eye irritation severe enough to require medical attention. In testimony before the Subcommittee on Toxic Substances, Environmental Oversight, Research and Development of the United States Senate in May of 1991, several individuals testified that pesticide applications in the neighborhoods where they reside had adversely affected their health and well-being.

Evaluating the real impact of lawn care pesticides upon health is made difficult, however, by many unknowns. For one, in any individual incident of chemical exposure, it can be difficult to pinpoint the specific chemical which may have caused certain health effects. Moreover, the risk associated with a pesticide application is a function of both the inherent toxicity of the pesticide and the amount of the pesticide to which an individual is exposed, and EPA needs better data on the amount of pesticide to which people (or pets) are exposed in the outdoor residential pesticide use context.

One thing we do know, however, is that lawn care pesticides are used a great deal. The results of a National Home and Garden Pesticide Use Survey issued in March of 1992 indicate that approximately 25% of the U.S. homeowners apply pesticides to their lawn. While the amount of exposure resulting from any individual pesticide application is relatively uncertain, the potential for exposure is great, considering the large amount of use that exists.

EPA is undertaking research that is intended to improve the Agency's ability to assess the amount of exposure, and hence the degree of risk, associated with specific outdoor and indoor residential pesticide applications. EPA is also exploring opportunities for pesticide registrants to contribute to that research effort. EPA intends to use the research results to develop a detailed set of guidelines which will address how to monitor and assess residential exposure to pesticides and other toxic substances, especially for young children.

In the meantime, EPA believes that providing this guidance to state and local jurisdictions regarding outdoor residential pesticide posting and notification systems is a useful step towards responsible stewardship in this area. One benefit of providing the information that a pesticide application has taken place via posting is to enable individuals who wish to do so to take steps to avoid exposure of themselves, their children, or their pets to the pesticide that has been applied in their community.

Currently, at least 19 states have implemented posting requirements applicable to residential lawn pesticide applications. Many of these 19, as well as four additional states, have implemented requirements for some other measure of notification and/or a registry. In addition to these state requirements, many local communities have also instituted requirements applicable to the use of lawn care pesticides.

The primary purpose of providing guidance to state and local jurisdictions is to promote standardization of posting requirements between jurisdictions where appropriate.

Standardization of such requirements will reduce the burden on commercial application firms associated with complying with a variety of requirements that differ from one jurisdiction to another. Most importantly, standardization of warning signs will facilitate education, especially of children, concerning the meaning of the signs and appropriate behavior to avoid exposure. For this reason, EPA is strongly recommending that states and local governments that already have a posting program in place modify the warning sign requirement to ensure compatibility with the proposal contained herein. If a national standard is adopted, EPA and the States could begin a national education program especially targeted for children.

Additionally, many outdoor commercial pesticide applicators already post treated residential areas in an effort to exercise responsible stewardship. Indeed, providing notice through posting helps to gain compliance with the reentry instructions included on product labels. Labels for nearly all outdoor residential pesticide products prohibit reentry until "sprays have dried and dusts have settled". However, this proscription might easily be ignored or overlooked in outdoor residential treatment settings because it is specifically and legally aimed only at those who apply pesticides, not at the general public who may be exposed to post-

application residues. Once the applicator has left the scene, people may enter the treated area before sprays have dried and dusts have settled if there is no sign warning them to stay off the treated area. Thus, posting treated areas is a "good neighbor" policy that can help protect others in the community.

At this time, EPA believes that national standardization of other types of notification is not needed. However, we would like the public to comment on this issue. Information on this topic is available in EPA's Lawn Care Pesticides White Paper which is available by writing to: The Communications Branch; U.S. EPA, Office of Pesticide Programs (5606C); 401 M Street, SW; Washington, DC 20460.

## **II. BACKGROUND**

The use of pesticides on residential lawns by home owners and commercial lawn care service companies has drawn significant public and congressional attention and raised the public's concern about the potential risks to humans and the environment during the last few years.

Congressional and regulatory concerns have grown in response to the public awareness and debate. A March 1990 General Accounting Office (GAO) report recognized EPA's formidable task in completing the pesticide reregistration process; however, it also was critical of EPA's enforcement and oversight in assessing pesticide risks for most of the 34 major lawn care pesticides. A second GAO report, released in September 1991, addressed the level of notice that the public receives when pesticides are applied by professional applicators. The GAO found that although about half of the States have some kind of notification program (FIFRA has no such specific requirement), the types of notice are highly variable. Some States require pre-notice; others require notice at the time of application. Some States register "sensitive individuals" who want advance notification to avoid exposure. Some programs are voluntary; some States place the burden of notification on applicators, home owners, and/or affected neighbors. GAO concluded that little information is available on the effectiveness of these notification programs and recommended that EPA try to collect information on this subject. GAO plans a third report on the reregistration of lawn care pesticides and on EPA's progress in determining long-term public health and environmental impacts.

In 1991, two bills aimed at redressing perceived problems with lawn care pesticides were introduced in the U.S. Senate. Senate Bill 849, an amendment of the Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III), would greatly increase the requirements for notification of chemical applications in and around residential and public areas. Senate Bill 1353 would amend FIFRA in several important areas. Key changes would include the following: (1) the requirements and responsibilities of Certified Applicators would be greatly expanded; (2) the procedures EPA must follow to cancel or recall a pesticide would be significantly altered; and (3) record-keeping requirements would be strengthened.

The public debate over lawn care pesticides, and Senate, GAO, and EPA initiatives, prompted EPA to convene a meeting among various members of the affected community in an effort to outline an agenda for future action.

In February 1992, EPA sponsored a Lawn and Garden Care Focus Group meeting at Solomons Island, Maryland. The meeting was conceived as a forum to help EPA identify the key lawn care pesticide issues. Each participant was asked to identify three or four key issues that needed to be addressed by EPA. A total of 29 priority issues were identified. Using this list, EPA selected four major issues that could be addressed in a relatively short time-frame, as follows:

- ◆ **Posting/Notification** issues, including the concept of a national standard and the applicability of posting and notification requirements to commercial applicators and to home owners
- ◆ The operation of Registries of people who believe they are sensitive to, or may be affected by, lawn care pesticide use, including the types of registries and their requirements
- ◆ Communications, education, and training issues, including sample integrated pest management (IPM) posters, a lawn care brochure, and ideas on outreach to various audiences
- ◆ Committee feedback on EPA's Advertising Guidance Position Paper.

Other key issues which EPA selected as requiring longer-term evaluation (e.g., improved labeling, benefits assessment, and exposure assessment methodology) are at various stages of development and response. EPA plans to continue to address these other issues as appropriate.

Following the initial Lawn and Garden Care Focus Group meeting, EPA established the Lawn Care Pesticides Advisory Committee (LCPAC), adhering to the requirements established by the Federal Advisory Committee Act (FACA) of 1972. The first meeting of the LCPAC was held May 12-13, 1992 in Annapolis, Maryland. The purpose of the LCPAC was to foster communication and the exchange of ideas among the parties represented on the Committee. The Committee also provided advice to EPA and other governmental bodies on policy and technical issues regarding the reduction of risks associated with the use of pesticides for lawn care. Members of the Committee and other participants included representatives from the following organizations:

- ◆ U.S. Environmental Protection Agency
- ◆ Lawn care application industry
- ◆ Chemical manufacturing industry
- ◆ Application equipment manufacturers
- ◆ State pesticide regulatory agencies
- ◆ Public interest and environmental groups
- ◆ Organization representing chemically-sensitive individuals
- ◆ State Attorney General offices
- ◆ Congressional staff
- ◆ Other Federal agencies

The LCPAC process was intended to accomplish the following tasks:

- ◆ Facilitate understanding of lawn care pesticide information,
- ◆ Disseminate information on the activities of different organizations, including State and federal programs,
- ◆ Identify salient lawn care pesticide issues,
- ◆ Describe different perspectives on the issues raised,
- ◆ Promote discussions of possible resolution to these issues.

In addition, the LCPAC process was intended to assist EPA and other Federal agencies, as well as State and local governments, in charting the direction of lawn care pesticide regulatory activity.

The LCPAC held discussions on each of the four major issues identified for consideration in the short term. Participants discussed their reactions to and perceptions of each issue and formulated possible resolutions. These discussions, perceptions, and possible resolutions formed the basis for a White Paper. The Lawn Care Pesticides White Paper was developed to serve as the initial vehicle to provide information to State and local governments as they consider lawn care

issues and potential legislative or regulatory actions. EPA recognized, as the White Paper was developed, that a number of State and local governments had already enacted or promoted various regulatory and voluntary measures related to lawn care products. However, in the absence of Federal legislation, EPA feels that the White Paper and this Guidance Document may serve as a foundation for other regulatory programs on lawn care as well as providing the basis for consistency of current State and local programs.

Based on EPA's latest estimates, sales of lawn care pesticides have reached \$900 million annually at the manufacturer level. Each year, about 70 million pounds of active ingredients are applied to all turf sites. Herbicides account for 70% of the total pounds of active ingredient, followed by insecticides at 22%, and fungicides at 8%. Home owners applying pesticides themselves account for 40% of the total insecticide use; about 50% of herbicide use; and a very small percentage of the fungicide use. About 80% of households have private lawns; of these, an estimated 26% use a pesticide to treat their lawn, according to the National Home and Garden Pesticide Use Survey issued in March of 1992. With regard to the commercial lawn care industry, EPA estimates that nearly 5,000 lawn care firms serve nearly 12 percent of all households with private lawns; these firms have annual receipts of \$1.5 billion.

### III. RATIONALE FOR PROVIDING NATIONAL POSTING GUIDANCE

In the absence of complete information regarding post-application exposure to lawn care pesticides, the simplest way for the public to reduce any possible risk is to avoid exposure. The purpose of posting is to alert the public that a lawn care pesticide has been recently applied so that people can take action on their own to avoid contact. The Environmental Protection Agency deems this especially important for infants, toddlers and children whose unique behavior, including crawling and frequent hand/object-to-mouth activity, predispose them to much higher levels of post-application exposure than adults.

Current pesticide label restrictions regarding reentry to treated lawns, such as waiting until sprays have dried or dusts have settled, apply legally only to the pesticide applicator. In fact, without a posted sign, it may not be possible for the public to know whether a neighbor's yard has been recently treated. Additionally, posting is a mandatory requirement for many of the same pesticides used at similar rates in an agricultural setting.

If a national standard sign is adopted universally, including by those state and local governments who already have requirements, long term public education efforts including through school programs would result in improved recognition and understanding of appropriate action which should be taken to avoid exposure.

The rationale for including homeowner applicators in this guidance relates to the fact that they are using many of the same pesticides at the same application



rates as professional applicators. In fact, because homeowners are not trained, only use these pesticide products occasionally, and may have less precise application equipment, their potential for misuse or misapplication might be greater than that of the professional applicator. For this reason, guidance is included for voluntary homeowner posting should a State or local government believe that such a need exists. A voluntary posting program for homeowners would begin to institutionalize the practice without creating an enormous public cost for inspectors and enforcement. However, pesticide formulators would be responsible for providing signs and posts, at no cost, at the point of sale. As with voluntary recycling programs, it is expected that public education will be a key toward encouraging voluntary posting by homeowner applicators.

#### **IV. NATIONAL POSTING GUIDANCE**

"Posting" refers to the placement of signs at visible entry areas to inform bystanders that a pesticide has been recently applied. Posting guidance can specify the size and placement of signs, the written and graphic messages to be included, and the size of the type and the color of the sign.

##### **A. Applicability**

This guidance applies to any outdoor application of pesticides by commercial applicators or "homeowners" (this term will be used throughout this guidance to include any non-professional applicators) to turf and ornamental plants around single or multi-family dwellings, golf courses, parks, cemeteries, or other publicly-accessible areas.

Although only one State (Connecticut) currently requires "homeowners" as well as commercial applicators, to post pesticide-treated lawns, Wisconsin has a proposal to include homeowner posting on a volunteer basis. Additionally, Prince George's County, MD is an example of a local government that is requiring homeowners to post. This guidance differs for homeowners and professional applicators with respect to two areas: Availability of Signs and Enforcement.

Note that lawn fertilizers are not included under this guidance and can be used without posting as long as such products do not also include a pesticide.

##### **B. Site Identification by Class**

For the purpose of this guidance, the sites for which this guidance applies are divided into the following classes:

##### **Class A**

- i. Private lawns (single family homes, duplexes, townhouses, apartment/condominium common grounds);

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- ii. Lawns surrounding publicly accessible buildings;

## Class B

- iii. Public parks, school grounds, recreational fields;
- iv. Cemeteries;

## Class C

- v. Golf courses

C. Design of Standard Sign

The following recommended design of a standard lawn posting sign, including size, color, graphics, wording, location and timing, has been developed by U.S. EPA based on providing, where possible, compatibility with existing State designs.

- i. Size - Class A - 4" x 5"; Class B - 8.5" x 11"; and Class C - 2' x 3' or larger.
- ii. Color - Black lettering on bright yellow background.
- iii. Graphics - For Class A and B, graphic design will include an adult, child and dog standing on a lawn within a circle/slash (see figure 1).

For Class C, do not include any graphic.

- iv. Wording - For Class A and B:

Top: "CAUTION" (first line) and "PESTICIDE APPLICATION" (second line), in letters 3/8" (Class A) or 3/4" (Class B) in height.

Middle: Along left side - "KEEP", and along right side - "OFF", in letters 3/8" (Class A) or 3/4" (Class B) in height.

Bottom: "Lawn Treatment Date: \_\_\_\_\_  
Remove This Sign 48 hours After Treatment", in letters 1/4" (Class A) or 1/2" (Class B) in height.

For Class C (assuming a minimum 2' x 3' sign):

Top: "PESTICIDES ARE PERIODICALLY APPLIED TO THIS GOLF COURSE" in letters 2.5" in height.

Middle: Fill-in chart with name of pesticide product and date applied, in letters 2" in height.



Bottom: "FOR ADDITIONAL INFORMATION, CONTACT (name and location of contact person)" in letters 1.5" in height.

- v. Materials - For Class A and B, signs can be made of rigid recyclable plastic or coated cardboard. Sign and printing must remain legible for up to 48 hours when exposed to intense heat and direct sunlight and/or rain. The post can be made of any rigid or semi-rigid material. The bottom of the sign must be at least 18" above the ground.

For Class C, permanent signs can be made of any appropriate material able to withstand the elements. The middle section should be designed so that daily changes are easily made.

- vi. Additional content on back of sign - For Class A and B, the option exists for including the following information on the back of the sign:
- a) peel-off sticker with product name/logo/phone number of manufacturer; and
  - b) name/logo/phone number of professional applicator; and
  - c) phone number of poison control center.

#### D. Availability of Signs

Professional applicators are responsible for supplying and posting the signs.

In the case of "do-it-yourself" (i.e., homeowner applied) lawn care pesticides, the manufacturer of the retail product must make readily available for purchasers, signs and posts to accompany retail pesticide product in all applicable States and local communities (i.e., those which prescribe required or voluntary homeowner posting). The retailer is responsible for providing, at no cost, the sign and post to the purchaser unless they are already attached to the retail pesticide product, and encouraging the sign's use as part of a "good neighbor policy" at the point of sale.

#### E. Posting Location

For all turf treatments covered under Class A and B, signs should be posted at all common or conspicuous points of entry, at least 1 sign for every 10,000 sq. ft. of lawn treated.

For Class C, signs should be posted at first and tenth tees or at a central clubhouse location.

#### F. Enforcement

The posting by professional applicators should be rigorously enforced by applicable State and/or local governmental agencies.

With regard to homeowner posting, availability of a sign and post to accompany each retail lawn care pesticide product at the retail level should also be enforced as applicable. However, U.S. EPA recommends that the use of this sign by a homeowner be on a voluntary basis (i.e., not subject to state or local enforcement).

#### G. Education and Outreach

U.S. EPA believes that the effectiveness of both required and voluntary posting depends in large part on effective public education. Thus, it is recommended that any State or local government that adopts posting requirements also adopt education and outreach efforts. The following list of options is meant to include possible education and outreach tools to encourage widespread and proper use of posting signs.

- i. Brochures at point-of-sale for consumer products or handed out by professional applicators;
- ii. Educational initiatives for school children;



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- iii. Public service announcements; and
  - iv. Programs for retailers, garden clubs, homeowner and condominium associations, etc.
-

# POSTING & NOTIFICATION REGULATION SUMMARY

STATE	WHO MUST POST AND/OR NOTIFY	SIZE OF SIGN	PLACEMENT OF SIGN	INFO TO CUSTOMER	CONTRACTS	NOTIFICATION	MISCELLANEOUS
CT	C, LC, GC T&S, HO, P, O	4 x 5 12 x 12 GC	1, 2	2	NO	4	
CO	C, LC, GC, T&S, O	4 x 5	1	N/A	NO	4	
FL	C, LC, GC, T&S	4 x 5	1	N/A	NO	4	
GA	C, GC, T&S, NC	4x5 8 x 10 GC	1,2 GC	2	NO	N/A	
IL	C, LC, T&S, GC	4 x 5 8-1/2 x 11 GC	1, 2 GC	2	NO	1, 2, 3	WASH WATER RINSEATE COL
IA	C, LC, GC T&S, RW, O	4 x 5 LC, T&S 8-1/2 x 11 GC 10 x 12 RW	1	3	NO	1, 2, 4	
IN	C, LC	4 x 5	1	2	NO		
KY	C, LC	4 x 5	1	2	NO	1, 2, 3	AT TIME OF CONTRACT GIVE CUST. INFO ON LAWN CHEMICALS
LA						4	
MA	C, LC	4 x 5	1	1, 2	NO	1, 3	
MD	C, LC, GC O, T&S	4 x 5	1, 2 GC	1 OR 2	NO	3, 4	
ME	C, LC, T&S	4 x 5	1	N/A	NO	3	
MI	C, LC, GC, T&S, PC, RW	4 x 5 2-1/2 x 2-1/2 PC	1, 2 GC	1, 3	ORAL OR WRITTEN	4	
MN	IF LABEL REQUIRES FOR HUMAN RE-ENTRY	N/A	N/A	N/A	YES	N/A	
NH	C, LC, GC	8-1/2 x 11	1	1	NO	1, 3	NON-RESIDENTIAL SITES
NJ	C, LC, T&S, GC, PC	NOT SPECIFIED	1	1, 3	NO	N/A	
NY	C, LC, T&S	4 x 5	1	2	YES	N/A	1983, 1987 - STATUTE IN EFFECT
OH	C, LC, GC, O	4 x 5	1	2	NO	1, 2, 3	
PA	C, LC, RW T&S, PC, A, GC	N/A	N/A	1, 3	NO	1, 2, 3, 4	AG CAN USE PLACARDS
RI	C, LC, O	4 x 5	1	1, 2	NO	1, 2, 3	
VT	C, LC, GC, RW, T&S	4 x 5	1	1, 2, 3	NO	1, 3	
WA	RW, GC, C	4 x 5	1	N/A	NO	4	
WI	C, LC, T&S, GC	4 x 5	2	1, 2, 3	NO	4	
WV						4	

**WHO MUST POST;** C = Commercial Applicators, P = Private Applicators, HO = Home Owners, GC = Golf Courses, T&S = Tree & Shrub, LC = Lawn Care, PC = Pest Control, O = Other, RW = Right of Ways, A = Agriculture, NC = Non-Commercial

**PLACEMENT OF SIGN;** 1 = At Conspicuous Points of Access; 2 = At Specific Intervals

**INFORMATION TO CUSTOMER;** 1 = Prior to Application, 2 = At Time of Application, 3 = Upon Request. THIS INCLUDES ITEMS SUCH AS; (i.e.) name & licence no. of applicator, label, date, and time of application, precautions, post application requirements, advanced notice upon request

**NOTIFICATION;** 1 = Customers, 2 = Neighbors (Adjacent), 3 = Upon Request, 4 = Central Registry (statewide or local)

## STATES WITH REGISTRIES

State	# people Feb. 1992	# people May 1993	# of addresses	When Started	Physician Statement	Initial or annual fee
Connecticut	120	143	364	1991	none	none
Pennsylvania	345	435	38	1988	yes	none
Florida	25	56		1991	yes	yes
Colorado	12	13	50	1990	yes	yes
Maryland	67	86	473	1989	yes	none
West Virginia	8	19		1991	yes	none
Louisiana	13	28		1989	yes	none
Michigan		57	800	1993	yes	none
Washington		35	175	1992	yes	none
Wisconsin		503	*10,000+	1993	none	none
New Jersey	Presently working on one by regulation					
New York	Presently has a bill introduced into assembly					

\* allows listing of addresses on their block or an adjacent block

## ASPCRO MODEL INDOOR POSTING GUIDELINES

### SCOPE:

Indoor posting should apply to all commercial buildings including government buildings and public buildings as well as multi-family residential. This definition would include any building to which the public has access or any place of employment with three (3) or more full time employees.

### LOCATION OF SIGN:

The signs should be posted at the primary point(s) of entry to the structure for the convenience of anyone who might be entering.

### TIMING:

Posting to be in place forty-eight (48) hours prior to any chemical application. This does not include checking traps or monitoring stations already in place. This amount of time should be sufficient notice to employees/visitors. Posting should remain in place post-application at least until the product is dry and probably for the remainder of the business day. Alternatively, posting could be at time of application and for 48 hours after. This would depend upon whether primary target is employees or visitors.

### SIZE:

For indoor posting "8½X11" signs are more appropriate and visible than smaller signs commonly used for outdoor posting.

### REQUIRED INFORMATION:

The following information should be mandatory:

- (1) Dates of treatment
- (2) Telephone number for applicator/informational contact
- (3) Information on how to contact state licensing agency

Additional information which could be very helpful:

- (1) National Pesticide Telecommunications Hotline number
- (2) Product name/active ingredient



**Professional Lawn Care Assoc**  
**Northeast, Suite**

Today's heightened environmental movement. And the anti-pesticide movement's most visible pesticide user--the urban homeowner--feels guilty for having a green lawn. Environmentalists frighten these people with hype about the dangers of lawn care and launch the kind of public relations campaign that the environmental media because of their controversial nature. Environmental cartoons have been used to single out the lawn care industry in a negative light. The Dan Rutherford cartoon about the 1991 U.S. Senate lawn care hearing is a good example of this coverage.

0097-6  
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4. Explain that these products are the same ones that homeowners or "do-it-yourselfers" can buy; and if they apply these products, they should be posting too.
5. Be responsive to a customer's request for additional information about a product.
6. Provide customers with an open-ended service agreement that spells out the terms of the pest control program. This puts the customers in control--they can cancel the service agreement at any time.
7. Offer the customer alternative programs, such as an organic, natural, or pesticide-free program.

#### EDUCATION OF PESTICIDE APPLICATORS

The urban/suburban pesticide user industry believes that proper training of pesticide applicators is one of the most important factors in providing responsible pest control services to the public. The pest control industry also believes that the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) should have requirements for licensing applicators of general use pesticides, and required training for technicians making applications.

In addition, the pesticide user industry is concerned that even with these additional requirements, many of the non-commercial users of pesticides--the homeowner "do-it-yourselfers"--often apply these products without sufficient information or instruction. We feel that the pesticide user industry and the state extension agencies should consider adopting voluntary training programs aimed at these pesticide users.

These provisions are part of an approach that should help address the public's concerns about pesticides. Also, the Professional Lawn Care Association of America (PLCAA) has developed a document containing commonly asked questions and answers about lawn care. PLCAA consulted closely with the Environmental Protection Agency and the Federal Trade Commission on this document, which it feels will help in the risk communication process by supplying more information to the public. "What You Should Know About Lawn Care Products and Services" covers such topics as pesticide safety, regulation of lawn care products and services, posting and notification, and the pesticide registration process. It also discusses the terms natural organic, natural based, and organic based.

The pesticide user industry feels that with increased education for all users of pesticides, and a commitment to a proper communications program by the entire industry including manufacturers, suppliers, users, *and scientists*, we will be on the road to solving the problem of a negative perception of urban/suburban pesticide use.

RECEIVED December 18, 1992

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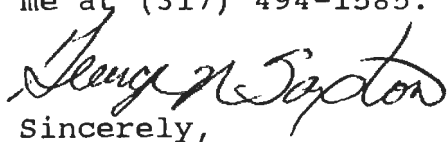
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**NPCA/ASPCRO REGULATORY SURVEY**  
December 12, 1994

On October 17, 1994, a questionnaire was sent to all fifty (50) states requesting regulatory information from each state so that a database could be developed and shared by all. At the present, questionnaires have been returned by twenty nine (29) states. If you have not completed and returned your questionnaire, please take a few minutes and do so. We would like to have the information compiled as soon as possible so the information can be published and shared with each state.

Another questionnaire has been enclosed for your convenience. If you have questions concerning this questionnaire, please contact me at (317) 494-1585.

  
Sincerely,

George N. Saxton  
ASPCRO Historian

cc: ASPCRO President

## NPCA/ASPCRO Regulatory Survey

October 17, 1994

The National Pest Control Association (NPCA), in conjunction with the Association of Structural Pest Control Regulatory Officials (ASPCRO), is in the process of establishing a state regulatory data base. In order to guarantee that the database is current we felt it was important to survey the states to see exactly what rules and regulations exist in each state. To assist us in this process, we have enlisted the Association of State Pest Control Regulatory Officials (ASPCRO) to help us administer the survey. Once you complete the questionnaire, please return it to either:

George Saxton  
Office of the Indiana State Chemist  
1154 Biochemistry Building\Purdue  
West Lafayette, IN 47907-1154

or Bob Rosenberg  
Government Affairs Department  
National Pest Control Association  
8100 Oak Street  
~~Dunn Loring, VA 22027~~  
Fax: (703) 204-2271

After receiving the surveys, entering the data, and organizing the information, we will publish a "Guide to State Regulation of the Structural Pest Control Industry." We will send this publication to everyone who completes the survey. We appreciate your cooperation and look forward to receiving your completed surveys.

Name and title: \_\_\_\_\_ State: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

### Training and Certification

1. In the field of structural pest control, list each category of competence recognition in your state? (e.g., certified applicator, registered technician, licensed applicator, supervisor, etc.)

(1) (Highest Competence) \_\_\_\_\_

(2) \_\_\_\_\_

(3) \_\_\_\_\_

2. Are not-for-hire persons (i.e., custodians, janitors, etc.) who apply general use pesticides in public settings required to be trained or certified? If yes, please list the public settings which are regulated.

	Yes	No
Trained:	( )	( )

Certified:	( )	( )
------------	-----	-----

3. For each competence level listed in #1, indicate any prerequisite to certification, registration or licensure (e.g., test, experience, training, etc.)

Category	Test	Training/Education Mandatory Before Test	Experience
_____	_____	_____	_____
_____			
_____	_____	_____	_____
_____			
_____	_____	_____	_____

4. Where testing and/or training is required, who may provide these?

	Certification	Recertification
A) State	_____	_____
B) Employer	_____	_____
C) University/College	_____	_____
D) Trade School	_____	_____
E) Extension Service	_____	_____
F) Trade Association	_____	_____
G) Other, please explain	_____	_____

5. Indicate which activities a person in each of the categories listed in #1 may perform.

Category	Apply Restricted use Pesticides	When applying RUP, is on-site supervision required?	Apply general use Pesticide
	Yes   No	Yes   No	
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

6. How does your state define "under the direct supervision of a licensed or certified applicator?" (i.e., on site vs. available by phone if needed.)

\_\_\_\_\_

\_\_\_\_\_

7. For each category listed in #1, indicate any requirements for renewing certification, training or license and the frequency with which it may be done.

Category	Renewal Requirements		# Hours/ Credits/Units	Frequency-how often (# of yrs.)
	Test	Continuing Education		
1. _____	_____ or _____	_____	_____	_____
2. _____	_____ or _____	_____	_____	_____
3. _____	_____ or _____	_____	_____	_____

8. Indicate fees for each category listed in #1.

Category	Fees			
	<u>Testing</u>	<u>Licensing</u>	<u>Certification</u>	<u>Registration</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

### **Licenses and Permits (Businesses)**

9. Who must hold a license or permit to operate a business? A) each company B) each facility or branch location C) no business license\permit required D) other, please explain \_\_\_\_\_

10. Is there a fee for holding an operating license and, if so, how much is it?  
( ) Yes \_\_\_\_\_ ( ) No

11. How often must this license/permit be renewed? \_\_\_\_\_

12. What are the fees for renewing this license/permit? \_\_\_\_\_

### **Integrated Pest Management**

13. Does your state mandate the use of IPM in any public buildings (i.e., schools, hospitals, nursing homes, etc.)? ( ) Yes ( ) No

14. If so, please list the buildings in which IPM techniques are required.

---



---

15. If you answered "yes" to # 13, how is IPM defined by state law or regulation? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

16. Do applicators need to be trained or certified to perform IPM in your state?  
( ) Yes ( ) No If yes, please explain.

\_\_\_\_\_

\_\_\_\_\_

---

### **Insurance requirements for businesses**

17. General liability insurance required

\$ \_\_\_\_\_ / bodily injury  
\$ \_\_\_\_\_ / property damage

18. Pollution liability insurance required

- A) Required - Amount \$ \_\_\_\_\_  
B) Requirement waived due to unavailability  
C) Not required

19. Other insurance requirements (e.g., WDI inspection insurance, etc.) \_\_\_\_\_

\_\_\_\_\_

### **Notification**

20. Does your state have any notification requirements for indoor applications?

( ) Yes ( ) No

21. If so, what triggers the notification requirement (i.e., all applications, # of feet from water source, etc.)? \_\_\_\_\_

\_\_\_\_\_

22. For structural pesticide applications (interior) indicate whether any of the following must be notified, when they must be notified, and how they are to be notified (i.e., phone, mail, in person, etc.)?

	When	How
Customer	_____	_____
Customer/On Request	_____	_____
Abutter	_____	_____
Abutter/On Request	_____	_____
<b>Individual on Registry</b>	_____	_____
Public Facility (Restaurant)	_____	_____
Other _____	_____	_____

23. For exterior pesticide applications (lawn care, golf courses, tree, shrub) indicate whether any of the following must be notified, when they must be notified, and how they are to be notified (phone, mail, in person, etc.)?

	When	How
Customer	_____	_____
Customer/On Request	_____	_____
Abutter	_____	_____
Abutter/On Request	_____	_____
Individual on Registry	_____	_____
Public Areas (Parks, Golf Courses, Easements, etc.)	_____	_____
Other	_____	_____



24. For exterior pesticide treatments to control indoor pests (termite jobs, perimeter treatments, bait placements) indicate whether any of the following must be notified, when they must be notified, and how they are to be notified.

	When	How
Customer	_____	_____
Customer/On Request	_____	_____
Abutter	_____	_____
Abutter/On Request	_____	_____
<b>Individual on Registry</b>	_____	_____
Public Areas (Parks, Golf Courses, Easements, etc.)	_____	_____
Other _____	_____	_____

### Posting

25. Does your state require the posting of signs for any pesticide applications?  
( ) Yes ( ) No

26. If yes, what type of applications require posting (e.g., lawn, right-of-way, golf course, structural, etc.) \_\_\_\_\_

27. When must the signs be posted? \_\_\_\_\_

28. How long must they remain posted? \_\_\_\_\_

29. What are the size requirements for the signs? \_\_\_\_\_

30. What information must be contained on the signs? \_\_\_\_\_

31. Where must the signs be posted? Or, how many signs must be left?

### Information to the Customers

32. Are commercial applicators required by law to provide any of the following?

- ☐ Pesticide Info Sheets                      ☐ MSDS  
☐ Product Labels                              ☐ Other \_\_\_\_\_

33. Please specify which type of applications require this information (i.e., lawn, tree, golf, pest control, etc.,)

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~~34. How often must this information be provided?~~

- ☐ before service begins  
☐ with each application  
☐ annually  
☐ on request only  
☐ other \_\_\_\_\_

### Pesticide Registry

35. Do you or does any state, local or private agency in your state maintain a registry of persons wishing to be notified before a pesticide application? ☐ Yes ☐ No

36. If yes, who maintains the registry? \_\_\_\_\_

37. Does a registrant need to be medically verified? \_\_\_\_\_

38. Do registrants have to pay a fee to be included in the registry? ☐ Yes ☐ No

39. If yes, what is the fee? \_\_\_\_\_

40. Does an individual have to pay a renewal fee to stay on the registry, and if so, how much is the fee and how often must a person pay it? \_\_\_\_\_

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41. Under what circumstance must registrants be notified? (e.g., applications within 200 feet) \_\_\_\_\_

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### Recordkeeping

42. Do operators have to submit a list of applied or inventoried chemicals to:
- |    |                                      |                              |                             |
|----|--------------------------------------|------------------------------|-----------------------------|
| A  | Pesticide Board or Regulatory Agency | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| B. | Health Department                    | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| C. | Fire Department                      | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| D. | Other _____                          |                              |                             |
43. Are there any annual reports that need to be submitted?  
☐ Yes ☐ No ☐ No, but kept
44. If so, what are they? \_\_\_\_\_
45. Do inventory records have to be kept or filed? ☐ Yes ☐ No (Please explain answer) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
46. Who are spills reported to? \_\_\_\_\_
47. How long do spill records have to be kept? \_\_\_\_\_
48. What types of pesticide applications records need to be kept and for how long must they be kept? \_\_\_\_\_  
\_\_\_\_\_

### Termiticide Applications

49. Does your state currently regulate termite inspections? ☐ Yes ☐ No ☐ No, but future regulation is intended
50. Are termite inspectors required to be: (A) Certified applicators (B) Trained in the identification of structural elements (C) Other, please explain \_\_\_\_\_  
\_\_\_\_\_
51. Does your state currently regulate termiticide applications?  
☐ Yes ☐ No ☐ No, but future regulation is intended
52. May uncertified applicators perform termiticide applications if supervised by a certified applicator? ☐ Yes ☐ No
53. Does your state require the application of the full label rate for termiticides?
- |                  |                              |                             |
|------------------|------------------------------|-----------------------------|
| Pretreat         | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Postconstruction | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

54. If you answered "yes" to either category in #53, does your state make any exceptions (i.e., environmental conditions, treatment to the footer, etc.,)? \_\_\_\_\_

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55. In the event that a complete treatment cannot be made, is the termiticide applicator required to notify the consumer of the treatment's inadequacies? ( ) Yes ( ) No

56. Does your state have termite treatment standards beyond the label requirement?  
( ) Yes ( ) No

57. If so, what are those standards? \_\_\_\_\_

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58. Are applicators required to notify your agency of termiticide applications?  
( ) Yes ( ) No

#### **Preemption**

59. Does state law prohibit the local regulation of pesticides? ( ) Yes ( ) No

60. If not, do you know how many local governments have implemented ordinances regulating pesticide use? If so, please briefly describe and provide the names of the counties and municipalities that have passed ordinances restricting the use of pesticides.

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#### **Advertising Guidelines**

61. Does your state have any guidelines regarding the way pest control companies may advertise? ( ) Yes ( ) No

62. If "yes," please state what those guidelines are.

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#### **Research Programs**

63. Does your state conduct or fund any pest control research programs?  
( ) Yes ( ) No

64. If so, specifically what types of research projects are conducted in your state and with whom are they conducted? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **Civil and Criminal Penalty Authority**

65. Does your state law allow for the implementation of monetary civil penalties?  
( ) Yes ( ) No

66. If yes, what is the highest monetary civil penalty the state can assess? \_\_\_\_\_

67. Does your state have guidelines for determining the level of monetary civil penalties?  
( ) Yes ( ) No

68. If so, what is the authority for those guidelines (i.e., state statutes, regulation, matrix)?  
\_\_\_\_\_ (Please attach a copy of the guidelines.)

69. Do you have the authority to impose or recommend criminal prosecution?  
( ) Yes ( ) No

### **Miscellaneous**

70. Briefly, what urban (non-agricultural) pesticide issues do you see developing in your state in the near future? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Association of  
Structural  
Pest  
Control  
Regulatory  
Officials

**RECEIVED**  
ILLINOIS STATE CHEMIST

MAR 23 1995

MEMORANDUM

DATE: March 20, 1995

TO: Mary Ellen Setting, President, AAPCO  
ASPCRO Board of Director  
Mr. Bob Rosenberg  
Dr. Von McCaskill  
Dr. Neil Ogg

FROM: Jim Wright, President  
ASPCRO  
P.O. Box 21767  
Columbia, South Carolina 29221

SUBJECT: BLOCK GRANTS

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The attached letter was addressed individually and mailed to the people  
on the enclosed list.

Ms. Lynn Goldman, Assistant Administrator  
Pesticides and Toxic Substances  
EPA 7001  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Mr. Fred Hansen, Deputy Administrator  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

Mr. Shelley H. Metzenbaum, Associate Administrator  
Regional Operations and State/Local Relations  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

Ms. Sallyanne Harper, Deputy Assistant Administrator  
Office of Administration and Resources Management  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

Ms. Dana Minerva  
Deputy Assistant Administrator For Water  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Mr. Kerrigan G. Clough, Assistant Regional Administrator  
Region 8  
U.S. Environmental Protection Agency  
999 18th Street, Suite 500  
Denver, Colorado 80202-2405

Mr. Steve Herman, Assistant Administrator  
OECA  
EPA 2211  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Ms. Lynn Goldman  
March 20, 1995  
Page Two

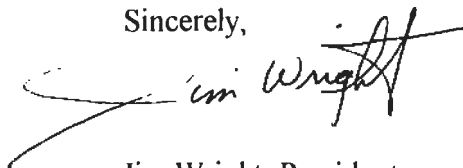
Pesticide regulatory agencies are very much in agreement with the concepts of responsive and results-oriented government. We feel that the EPA has rightfully "privatized" pesticide regulatory responsibilities with the states for implementation. With small efficient staffs containing appropriate ratios of administrators and inspectors, pesticide regulatory agency programs have given the United States significant results improving health, ensuring a safe food supply, protecting man and the environment from harm from pesticides while also providing for safe and efficacious pesticide use. Any dilution of the much needed budget augmentation traditionally negotiated between the states and the EPA may disrupt or destroy the significant progress already made by these state lead agencies in regulation of multi-media environmental pesticide areas such as: groundwater protection, worker safety, certification of pesticide applicators, safe and efficacious use of pesticides, pesticide container recycling, pesticide storage and disposal, outreach, compliance assistance, and enforcement.

State lead agencies for pesticide regulation reduce duplication of effort by enforcing federal pesticide laws with small highly-trained and efficient state staff. We deliver to customers complex multi-media programs for pesticide regulation with expertise and programs which do not exist with other agencies. There are also concerns that the primary use enforcement could be lost in the states if the state lead agencies for pesticide regulation do not receive full funding from the governor's office. This would result in the EPA having to supply federal inspectors to perform the pesticide regulatory overview rather than the states providing this service.

If placement of pesticide resources with the state governor's office with other block grants is unavoidable, pesticide resources must reach the state lead agencies for pesticide regulation. If placement of these resources with state lead agencies for pesticide regulation occurs, the original goals of block grant placement will be reached as there will be no decrease in the efficiency of the pesticide regulatory programs in the United States.

Please exempt pesticide resources destined for state pesticide lead agencies from the block grant proposals. If exemption is not possible, please ensure that all pesticide funds reach the state lead agencies for pesticide regulation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Wright", with a stylized flourish at the end.

Jim Wright, President  
ASPCRO

CC:  
Mary Ellen Setting, President, AAPCO  
Dr. Von McCaskill  
Dr. Neil Ogg  
ASPCRO Board of Directors  
Mr. George Saxton, ASPCRO  
/bkb (a-pest.mem)



# Association of Structural Pest Control Regulatory Officials

March 20, 1995

Ms. Lynn Goldman, Assistant Administrator  
Pesticides and Toxic Substances  
EPA 7001  
U.S. Environmental Protection Agency  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Ms. Goldman:

The Environmental Protection Agency (EPA) and the State Lead Agencies for pesticide regulation have for greater than a decade participated in partnerships in regulating pesticides in the United States. This productive relationship has been consummated through the Cooperative Agreements (more closely allied with the partnership concept but often called grants) negotiated between the states and the EPA. Recently a block grant proposal has been brought to the states' attention which would place the 1996 Pesticides Cooperative Agreement monies with the state governor's office in conjunction with placement of the other eleven (11) EPA environmental grant programs.

The states support more efficient use of grant monies and the partnerships concept. However, the placement of the pesticides monies at the governor's office in each state will not enhance environmental protection, state-federal partnerships, grant flexibility, or result in more efficient regulation of pesticides unless those funds reach the state lead agencies for pesticide regulation.

The consensus of the states and many EPA members is that all or a portion of the pesticide grant monies may not be passed through to the State Department of Agriculture or other state lead agencies for pesticide regulation due to:

- 1) the unique location of those agencies. They are not located with traditional environmental agencies in forty-five (45) states; and,
- 2) the comparatively small portion of the funds for pesticide regulation in comparison to the other funds in the block environmental grants, only four percent (4%) of the total is pesticides.

# Association of Structural Pest Control Regulatory Officials

April 4, 1995

Ms. Cathy Kronopolus, Chief  
Certification / Occupational Branch  
U.S. Environmental Protection Agency  
Office of Pesticide Programs, Mail Code 7506-C  
401 M Street, S.W.  
Washington, D.C. 20460

Dear Cathy:

Please reference our recent meeting in Washington on March 16, 1995. On behalf of the Association of Structural Pest Control Regulatory Officials (ASPCRO), I want to thank you for taking time from your busy schedule to meet with us.

As we discussed, there is a significant effort on the part of some state regulatory agencies to increase the level of training for the pest control technicians who are making pesticide applications in or around structures. These efforts largely cover the areas of:

- State Pesticide Laws and Regulations
- Federal Pesticide Laws
- Certification and Licensing
- Pesticide Toxicity
- Pesticide Residue, Tolerances and Registration
- Ecology and Protection of the Environment
- General Safety Precautions
- Protective Equipment and Personal Safety
- Pesticide Poisoning and First Aid
- Integrated Pest Management (IPM)
- Pests
- Types of Pesticides
- Pesticide Labeling
- Pesticide Formulations
- Pesticide Mixing Procedures
- Calculations for Mixing and Applying Pesticides
- Equipment and Calibration

Ms. Cathy Kronopolus, EPA, Washington, D.C.  
April 4, 1995  
Page Two

- Application of Pesticides
- Pesticide Storage and Disposal
- Record Keeping

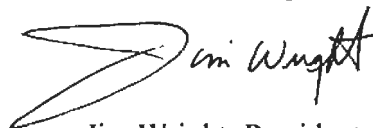
As you can see, these technician-oriented programs are rather comprehensive. The state programs in Georgia and Texas would cover these topics in one or both programs. In these two states, the technicians must take an exam and have a seventy percent (70%) passing rate to successfully meet these requirements. Texas, for example, has a seventy-six percent (76%) pass rate for technicians. The program in Georgia has registered over four thousand (4,000) technicians in two years. The Texas program has over three thousand (3,000) trained and properly certified technicians.

A registered technician program serves to enhance the level of expertise of pest control technicians, thus providing a major benefit to the public that would largely be absent without these programs. ASPCRO would propose to develop a model program for use by state regulatory agencies. Our Association could develop this model if the necessary funding were available. This would require a minimum of fifty thousand dollars (\$50,000). We view this as an excellent opportunity for the states to meet the expectations of the public by ensuring they receive the benefit of a well-trained technician.

ASPCRO would also strongly encourage the Agency to consider long-range funding for registered technician programs. We understand that the past problems with this idea stems from a lack of recognition of this level of certification in FIFRA. You can see from the listed topics, in concert with the written test required in some of the state programs, that these requirements actually exceed the requirements of private pesticide applicators. For that reason, ASPCRO encourages the Agency to pursue a change in the Federal Pesticide Law to recognize these trained and certified technicians.

Again, thanks for the opportunity to meet and discuss this issue. You may contact me at: P.O. Box 21767, Columbia, South Carolina 29221. (Phone: 803-772-0766 and FAX 803-772-8711).

With kindest regards, I am

A handwritten signature in black ink, appearing to read "Jim Wright", with a stylized, sweeping flourish extending from the end of the signature.

Jim Wright, President  
ASPCRO

CC: Carl Falco  
Lonnie Mathews  
Bennie Mathis  
Bud Paulson  
George Saxton  
Dave Scott  
Arty Williams

Association of  
Structural  
Pest  
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**RECEIVED**  
INDIANA STATE CHEMIST

AUG 07 1995

**MEMORANDUM**

**TO:** Bennie Mathis - Chairman, IPM in Schools Committee

**FROM:** Jim Wright *JW* - President, ASPCRO

**SUBJECT:** IPM in Schools Committee

**DATE:** August 1, 1995

Per our recent telephone conversation, I have reviewed the Association records relative to the IPM committee. After going back several years, I could not determine who was on the original committee except Carl Falco, who was the Chairman. Last year we agreed that you would take over for Carl as the Chair of this committee. I have appointed two people to work with you on this effect to develop a model IPM program for schools. Kiven Stewart and Todd Thompson have both agreed to help you on this committee. I have indicated to them that you will be in touch with them for their input.

Thanks for your hard work on this and other association projects. I look forward to seeing you in September.

JW/jmr

cc: Kiven Stewart  
Todd Thompson  
✓George Saxton