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August 19, 2014  
Label Language Stewardship Committee  
2014 ASPCRO Annual Board Meeting Report

On behalf of the ASPCRO Label Language Stewardship Committee, (3C), I submit the following report for the 2014 annual board meeting.

### **Guidance Document for Non-Agricultural Pollinator Protection for Neonics**

The committee met during the mid-year meeting in Santa Fe. Discussion at the midyear and since has primarily focused on developing pollinator language guidance. After the meeting, as the chair, I developed a draft guidance document to address the non-agricultural neonicotinoid label language. The committee reviewed and provided comments. To ensure consistency, the document was also drafted with consideration of the interpretations provided in the AAPCO/SFIREG pollinator language guidance document. After multiple revisions with input from the various perspectives of the committee members, including SLAs, pest management professionals, and registrants, a final draft was completed in mid-April and submitted to the ASPCRO Board. In late April, ASPCRO received a response to the October 2013 letter which requested various clarification to the non-ag pollinator language. The committee then made an additional revision to the document based on the letter and resubmitted to the Board.

ASPCRO conducted the biannual workshop for EPA staff in early June. The second day included a discussion of pollinator protection issues and included an explanation of the guidance document. EPA then conducted a further review of the document and on July 29<sup>th</sup>, 2014 notified ASPCRO of their concurrence with the guidance document. A final version of the guidance document is appended to this report.

### **Termiticide Labeling**

During the EPA training in June, the first day covered termiticide application techniques and labeling. EPA staff indicated the growing difficulty in reviewing termiticide labels because of inconsistencies in the layout of directions for use, having additional language for general pests, and the differing statements for application method descriptions, restrictions and requirements. EPA indicated they would appreciate efforts ASPCRO could make in developing a template or format which could be consistent on all or at least most termiticide labels. This would assist in a greater understanding of the label by applicators because of the consistency in the labels from product to product. The label committee will begin consideration and discussion of a possible template for termiticide labels when the committee meets as part of the conference agenda for the 2014 conference.

Respectfully submitted,

Bonnie Rabe, Chair

## ASPCRO Guidance Document for Bee Language for Neonicotinoid Products in Outdoor Structural and Turf and Ornamental Settings

This document, developed by the Association of Structural Pest Control Regulatory Officials (ASPCRO), provides interpretation for pesticide state lead agencies (SLAs) of the pollinator protection and nonagricultural language required by the US EPA August 15, 2013 letter to registrants of nitroguanidine neonicotinoid products. This applies to **outdoor, non-agricultural foliar applications** of products containing clothianidin, dinotefuran, imidacloprid, and thiamethoxam (excluding granulars). The attached Pollinator Protection Box must be placed on the label following the Environmental Hazards section, and the new language indicated below must be added to the Direction for Use section of each label.

### Pollinator Protection Box

It is ASPCRO's interpretation that the box is considered advisory information. The text is not written in directive sentences and does not include clearly enforceable statements. Use of the term advisory is based on the EPA Label Review Manual, Chapter 3, General Labeling Requirements, Section III(A).

**PROTECTION OF POLLINATORS**



**APPLICATION RESTRICTIONS** EXIST FOR THIS PRODUCT BECAUSE OF RISK TO BEES AND OTHER INSECT POLLINATORS. FOLLOW APPLICATION RESTRICTIONS FOUND IN THE DIRECTIONS FOR USE TO PROTECT POLLINATORS.



Look for the bee hazard icon in the Directions for Use for each application site for specific use restrictions and instructions to protect bees and other insect pollinators.

**This product can kill bees and other insect pollinators.**  
Bees and other insect pollinators will forage on plants when they flower, shed pollen, or produce nectar.

Bees and other insect pollinators can be exposed to this pesticide from:

- Direct contact during foliar applications, or contact with residues on plant surfaces after foliar applications
- Ingestion of residues in nectar and pollen when the pesticide is applied as a seed treatment, soil, tree injection, as well as foliar applications.

When Using This Product Take Steps To:

- Minimize exposure of this product to bees and other insect pollinators when they are foraging on pollinator attractive plants around the application site.
- Minimize drift of this product on to beehives or to off-site pollinator attractive habitat. Drift of this product onto beehives or off-site to pollinator attractive habitat can result in bee kills.

Information on protecting bees and other insect pollinators may be found at the Pesticide Environmental Stewardship website at:  
<http://pesticidestewardship.org/PollinatorProtection/Pages/default.aspx>.

Pesticide incidents (for example, bee kills) should immediately be reported to the state/tribal lead agency. For contact information for your state, go to: [www.aapco.org/officials.html](http://www.aapco.org/officials.html). Pesticide incidents should also be reported to the National Pesticide Information Center at: [www.npic.orst.edu](http://www.npic.orst.edu) or directly to EPA at: [beekill@epa.gov](mailto:beekill@epa.gov)

## Language required for Non-Agricultural Products:

**Do not apply [insert name of product] while bees are foraging. Do not apply [insert name of product] to plants that are flowering. Only apply after all flower petals have fallen off.**

### *Interpretation:*

*Note: For all of the following interpretations of the non-agricultural bee language, if other pollinator protection label statements found on the product label are more restrictive, those statements would take precedence.*

- Unless otherwise specified on the label, the above statements for non-agricultural products apply to honey bees and wild bees that forage for pollen or nectar. They do not apply to control of wasps, Africanized honey bees or bees which are the target pest.
- The non-agricultural use direction statements must be followed when bees are foraging in the area of an application site with flowering plants, when blooms are present.
  - Bees are foraging when they are actively visiting a site collecting pollen or nectar.
  - ‘In the area’ is interpreted to mean the area immediately adjacent to the application site where blooming plants onto which deposition from the application will come into contact with blooms. The distance will vary and should be based on variables of the application including: weather, type of equipment, and application method.
  - Application is prohibited to the blooms and foliage of flowering plants which are in the treatment area at the time of the application when bees are foraging. Application to other parts of the plant is permissible if contact of the pesticide to the blooms and foliage can be prevented. It does not apply to adjacent areas and plants out of the treatment area that bees are foraging on.
  - “After all petals have fallen off” is interpreted to mean when flowering has completed to the extent bees are no longer foraging. For plants that may not drop all petals, flowering is interpreted to be complete when bees are no longer foraging (e.g. Sunflowers). Application can occur pre-bloom.
  - For outdoor applications made **directly on or around the structure** (e.g.: soil applications including termite control, perimeter treatments, spot sprays and crack and crevice treatments):
    - when **flowering plants with blooms are in the area** of application: *Allowing the product being applied to contact blooms would be a violation of the label if bees were foraging at the time of the application.*
    - when **plants are not present directly next to the structure** (e.g.: spot, crack and crevice, or perimeter sprays): *Application to the structure is allowable for this site as bees do not forage on the structure itself.*
    - when **plants are not present in the area around the structure** (e.g.: soil applications, perimeter sprays to paved or slab areas, termiticide pretreatment):

*The statements would not apply to bare ground or other surface areas where plants are not in the area.*

- For applications made to **ornamental plantings and turf/lawn areas** (e.g.: residential lawns, commercial landscapes, parks, etc.) for pests including applications for plant pest insect control; flea, tick, and other animal/human pests; and adulticiding for mosquitoes and other disease vectors:
  - when flowering plants (including weeds) are in the area of application: *Allowing the product being applied to contact blooms is a violation of the label if bees are foraging at the time of the application.*
  - when flowering plants (including weeds) with blooms are **not** in the area (including when blooms have been removed e.g.: trimming or mowing) where application will occur: *Application can be made to the ornamental plants and turf.*

8/18/14