



August 15, 2015
Label Language Stewardship Committee
2015 ASPCRO Annual Board Meeting Report

On behalf of the ASPCRO Label Language Stewardship Committee, (3C), I submit the following report for the 2015 annual board meeting.

The committee was not very active since the 2014 conference, primarily due to its leadership, being lax in her duties...but she was tired. The committee had a very busy 2014 and took a breather to recover and regroup.

The committee had a conference call June 5, 2015 and discussed issues including the termiticide label template initially discussed at the 2014 conference meeting, structural fumigant label and registration review by EPA, stewardship for misuse of insecticides for illegal wildlife control, and follow-up on the pollinator language and guidance including development of comments on EPA's pollinator policy.

Termiticide Label Template Discussion

The committee is looking at termiticide labels to determine if a template could assist in providing clarity to product labels. The committee obtained and reviewed the SmartLabel User Guide and Stylesheet which will eventually be used to submit label language electronically to EPA. The committee thought it best to review and ensure consistency with any efforts on a template. This project is continuing and will be an agenda item during the 2015 conference committee meeting on Saturday August 22.

Structural Fumigant Labeling and Registration Review by EPA

This issue was more of a watch item for the committee to be prepared as EPA progresses with their review and issuance of the registration eligibility document (RED) and any risk mitigation measures and needed language development. These efforts will be coordinated with the structural fumigation committee. Likely the committee will engage in this activity in mid to late 2016.

EPA Pollinator Protection Policy Comments

The committee was requested by President John Scott to review and develop comments on EPA's proposal to Protect Bees from Acutely Toxic Pesticides. The proposal is one of the directives from the March.... Presidential Directive on Pollinator Protection. EPA's proposal, published by the agency in the federal register on May 29, 2015 provides for protection of bees onsite for pollination services by prohibiting applications of pesticides acutely toxic to bees when the crops at that site are in bloom. The proposal also includes support of state and tribal managed pollinator protection plans (MP3s).

The committee had a conference call and shared emails to develop the letter. The major points made were:

- Support by ASPCRO for clear, enforceable label language for any pesticide use site, and agreement with the agency's focus on restrictions for sites with contracted bees
- Agreement with the allowance for applications in association with a public health response
- The importance of evaluating the effect of the proposed label language before or as they consider further language restrictions for additional situations
- Continued interaction with both ASPCRO and AAPCO on label language development and improvements in relation to bees
- ASPCRO supports of the MP3 concept, with the encouragement to include the urban pest management industry as stakeholders in the process.
- Consideration and acknowledgement of the limitations some states and tribes may have to implementing the MP3 process
- Support for additional science based research and risk assessment improvements related to bees, and
- Development of label restrictions or exemptions based on differing risk scenarios including non-agricultural use sites. This includes allowing exemptions under specified provisions when landscape plants are in bloom and recognition that bees may be the target pest.

The letter was drafted and presented to the Board for comment and approval. The final letter, attached as Appendix 1, was submitted to the docket on August 10, 2015.

And once again, the chair is tired...satisfied but tired.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bonnie M. Rabe".

Bonnie Rabe, Chair



August 10, 2015

OPP Docket: EPA-HQ-OPP-2014-0818
Environmental Protection Agency Docket Center
Mail Code 28221T
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

RE: Docket No. EPA-HQ-OPP-2014-0818; FRL-9927-36: Bees; Mitigating Exposure to Bees from Acutely Toxic Pesticide Products

The Association of Structural Pest Control Regulatory Officials (ASPCRO) respectfully submits the following comments on EPA's Proposal to Mitigate Exposure to Bees from Acutely Toxic Pesticide Products.

ASPCRO is a national professional organization comprised of state regulatory officials that works to address and resolve issues related to the regulation of pest management and pesticide use, focusing on structural and urban pest management issues.

ASPCRO has a successful track record in working closely with our member states, EPA and the pest management industry to address pollinator protection issues. In 2014, ASPCRO sponsored training for EPA staff to discuss and provide real world perspective of the regulatory challenges and stewardship opportunities related to protection of bees as it pertains to structural pest management and related non-agricultural pesticide uses. ASPCRO's letter of August 15, 2013 and the Agency's subsequent response, provided clarification and supported development of the [ASPCRO Guidance Document for Bee Language for Neonicotinoid Products in Outdoor Structural and Turf and Ornamental Settings](#). The document provides interpretation of the pollinator protection and non-agricultural directions for use language as a resource for pesticide state lead agencies (SLAs) in verifying compliance with neonicotinoid bee language.

ASPCRO supports EPA's goal to protect managed bees through label restrictions as well as flexible and locally directed measures developed by states. ASPCRO applauds the Environmental Protection Agency's (EPA) initiative to create clear, enforceable pollinator protection language and fully supports EPA's direction and efforts to encourage and support development of state based Managed Pollinator Protection Plans (MP3s).

Specific Areas Requested for Comment:

A. Label Language for Applications to Sites With Bees Present Under Contracted Services

While ASPCRO focuses primarily on urban and structural pesticide issues, we stand in support of clear enforceable label language for any pesticide use site.

ASPCRO agrees with the Agency's approach in addressing applications to sites where contracted pollinator services are occurring as a measure with large scale impact in protecting bee populations. We agree with the allowance for applications made in association with a government declared public health response. It will be important to evaluate the effect of this language in considering further language restrictions for additional situations.

As this language does not supersede more restrictive product use specification, like those for neonicotinoids and the environmental hazards statements, the agency should work to improve label language for protection of bees as suggested previously by both ASPCRO and the Association of American Pesticide Control Officials (AAPCO). Both associations have developed guidance documents to provide interpretation of the neonicotinoid language where it was unclear. It will be important for the agency to review all label statements pertaining to bees to ensure no conflict, inconsistency, or vagueness exists which will inhibit or prevent enforcement by state lead agencies (SLA).

B. State and Tribal Managed Pollinator Protection Plans

ASPCRO supports EPA's proposal to recognize MP3s as a locally based approach for states to implement as a protection to bees and pollinators. We feel the MP3 approach provides flexibility, enhances communication, builds relationships, increases understanding and establishes clear expectations among all stakeholders, including the regulatory authority, beekeepers, landowners, applicators and the public.

ASPCRO requests EPA's support in encouraging pollinator plans to include non-agricultural use sites and consideration of urban pest management in development of the general plans. This should include involvement of pest management and landscape professionals as stakeholders as well as involvement of those from the SLA with regulatory expertise in structural pest management. We suggest plans address non-agricultural applicator use by encouraging the development of best management practices or adoption of current resources such as the National Pest Management Association's (NPMA) Pollinator Protection Best Management Practices.

It will be important for the agency to understand and acknowledge the limitations some states may have in their ability to implement the MP3 process. Many states do not have the funding, authority or stakeholder support to initiate even a voluntary MP3. It may be difficult for some states without funds to support plan development and stakeholder involvement. In addition, in consideration of the mounting evidence that pollinator health is significantly impacted by many non-pesticide stressors, it is very likely that agencies or entities other than the pesticide state lead agency could ultimately be directing the development and

implementation of the state MP3. If this occurs, a SLA's ability to insure the direction and national consistency of any resulting pesticide regulation may be limited.

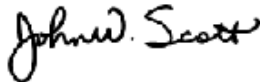
A. Uncertainties

ASPCRO supports additional science based research and/or risk assessment improvements to increase certainties related to bees and pollinators in relation to pesticide impacts including those in the stated areas from the policy. As more knowledge and information is gained, ASPCRO encourages EPA to work together with ASPCRO, AAPCO, pesticide registrants, and impacted pesticide user groups to develop effective risk mitigation language, if needed, for non-agricultural uses.

ASPCRO strongly urges developing label language restrictions or exemptions based on the differing risk scenarios, including non-agricultural use sites. EPA should provide clear guidance and work with states to develop clear enforceable language for applications to these sites. As an example, non-agricultural urban sites may have plants which remain in bloom throughout the season. Language allowing applications under certain conditions should be allowed with limitations including the timing of the application (restricted to within a definitive time of sunrise or sunset), temperature restrictions (below 55 degrees) or covering sensitive sites to prevent exposure to blooming flowers or weeds. Also, there are times when bees are the target pest and insecticide applications for their management are warranted. Applications to control bees when bees have become a risk to public health, dangerous to pets or other animals or damaging to property should be expressly allowed on applicable labels.

ASPCRO appreciates the opportunity to provide comments and input from the states on the proposal. We appreciate the value of our ongoing working relationship and the Agency's consideration of our comments. Feel free to contact me with any questions.

Sincerely,



John W. Scott
ASPCRO President
Pesticides Program Manager
Colorado Department of Agriculture

Cc: ASPCRO Board of Directors
Bonnie Rabe, NM Dept. of Agriculture