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## Structural Fumigation Committee Report August 25, 2017

Chair, Derrick Lastinger (GA)

Members: John Scott (CO), Kelly Friend (FL), Linda Johns (MT), Bonnie Rabe (Rollins), Kevin Jensen (WA), George Farnsworth (CA), Dale Dubberly (FL), Janet Rowley (Douglas Products), Ken Kendall (Ensystem), Norman Goldenberg (Namron Business Associates), Jim Fredericks (NPMA), Chris Gorecki (Rollins), Michael Kelly (TX), Allen Fugler (Capitol Risk), Ryan Okey (SC), Rick Bell (Arrow Exterminators)

The ASPCRO Structural Fumigation committee submits the following report for the 2017 Board of Directors annual meeting.

The purpose of the ASPCRO Structural Fumigation Committee was established in 2014 to be a resource for US EPA as the non-soil fumigants go through registration review. The committee will maintain open communication and dialogue with other associations to most efficiently and effectively coordinate and collaborate on committee work.

### **Activities**

#### **Membership**

New members were appointed to serve on the committee by President Liza Fleeson Trossbach including Michael Kelly (TX), Ryan Okey (SC), Allen Fugler (Capitol Risk) and Rick Bell (Arrow Exterminators). An invitation was sent to regulatory officials at the Hawaii Department of Agriculture inviting participation.

The committee webpage was updated with past committee reports and committee membership.

#### **U.S. EPA Fumigation Workshop – Fort Lauderdale, Florida**

ASPCRO and NPMA planned and hosted a Structural Fumigation workshop for 10 U.S. EPA scientists involved in the re-registration and re-evaluation of the non-soil fumigants in April 2017. Yu-Ting Guilaran, Director of the Pesticide Re-evaluation Division (PRD) attended along with staff from PRD, RD, HED and BEAD.

A planning group was assembled to develop and plan the workshop. The group included representative of ASPCRO, NPMA, Florida Department of Agriculture and Consumers Services, California Department of Pesticide Regulation and Texas Department of Agriculture.

The workshop focused on structural fumigation issues. Residential structural fumigation, commodity fumigation and import/export fumigations were the primary focus of this training. The workshop provided EPA staff a hands-on display of the products and activities that they are currently considering during the review process. The workshop was interspersed with classroom education that provided a background detailing the different types of fumigations, followed by comprehensive in field experience with hands-on demonstration(s).

Most of the workshop took place at the University of Florida School of Structural Fumigation located at the UF Research & Education Center in Davie with some of the training at Port Everglades. The fumigation workshop will consisted of two full days and one-half day of training.

Derrick Lastinger provided an update to EPA on the committee activities during the workshop including a summary of the national regulatory surveys. The workshop wrapped up with a state regulatory session that focused on state specific regulations and compliance monitoring programs. Allison Cuellar (TX), Dale Dubberly (FL), George Farnsworth (CA) and Derrick Lastinger (GA) participated in this session.

ASPCRO applauds and supports the Agency's commitment to participate in the training to help ensure structural fumigation application issues are considered during the registration review process. EPA's willingness to work with ASPCRO, state lead agencies and the regulated community to identify areas where we can continue to improve label language is greatly appreciated.

### **Meetings**

In December 2016, President Fleeson Trossbach and Derrick Lastinger met with Yu-Ting Guilaran and her staff to review ASPCRO committee activities and topics for the April fumigation workshop. EPA reported that a team has been assembled to review the OIG report and work on a response.

On March 27<sup>th</sup>, the committee met at the mid-year board of directors meeting in Austin, Texas. During the meeting, the committee discussed state enforcement of use for primary contractor vs. sub-contractor. This discussion came up during NPMA's fumigation stewardship strategy #5 *promoting prime contractor responsibility*. From this discussion, the committee was asked to develop a survey question(s) to learn more about SLA enforcement in this area. President Fleeson Trossbach offered to include the question in a future survey for state regulatory officials. See survey section in the report for the questions.

### **U.S. EPA**

In July, U.S. EPA requested review and input on the NPMA *Applicator Training Elements for Registrant-Provided Sulfuryl Fluoride Training* discussion document and EPA related comments. A workgroup including officials from California,

Florida and Georgia reviewed and provided comments. The workgroup also put together a comparison document including current state requirements for structural fumigation safety and compliance documents referred to as fumigation logs in California and Florida.

On August 23<sup>rd</sup>, EPA PRD reported the following to the committee:

*EPA is moving forward with the draft risk assessments for the soil fumigants, anticipating those by mid-late 2018. There were more data gaps for the structural fumigants, considering the reregistration decisions for the structural fumigants were completed earlier in reregistration compared to the soil fumigants. We are still awaiting the last registration review studies for some of the structural and commodity fumigants, which is why we anticipate the draft risk assessment for the structural and commodity fumigants in 2019 and 2020.*

*EPA continues to work with its state regulatory partners and stakeholders, including ASPCRO and NPMA, on action items following the Office of Inspector General (OIG) on structural fumigants (Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries From Residential Fumigations, December 2016). ASPCRO and NPMA coordinated a 3-day structural fumigation workshop which members of EPA's fumigant active ingredient teams attended in April 2017, the group discussed the OIG report, and feedback on EPA's proposed path forward was provided by sulfuryl fluoride applicators, as well as state and registrant representatives. EPA has been discussing elements of a stewardship plan with ASPCRO and NPMA, and anticipates significant progress over the last quarter of FY 2017. EPA also anticipates reaching out to clearance device manufacturers with its strategy to assess the effectiveness of devices to detect required clearance levels by November 2017.*

There is a related recommendation in the draft FY18 National Program Manager Guidance and FY18-21 FIFRA Cooperative Agreement Guidance. The draft recommendation in the NPM states, "Encourage states and tribes to undertake special compliance initiatives related to certification requirements that may focus on sale and distribution of restricted use pesticides (RUPs) to applicators in fumigation sector(s) of concern due to the high potential for severe, acute incidents from exposure."

## **Survey**

In response to the action item from the last committee meeting, the following questions were drafted for a future ASPCRO survey:

1. *Does your state allow pest management services involving the application of a pesticide to be provided by a sub-contractor?*

*If yes, which category(ies) are permitted? (allow multiple responses)*

- a. general pest control*
- b. wood destroying organisms*
- c. fumigation*

2. *If a violation of pesticide **use** was discovered involving an application made by a sub-contractor and it triggered an enforcement response, could your state?*

- a. take an enforcement action on the primary contractor only*
- b. take an enforcement action on the sub-contractor only*
- c. A and B*

d. A or B

3. Do your state regulations require that the customer be notified if applications are to be made by a subcontractor? Yes or No

**Future activities**

The committee plans to have a meeting on August 29, 2017 at 10:00 A.M. at the Annual Conference in Burlington, Vermont and will discuss the following items:

1. Committee report & membership
2. U.S. EPA Update
3. NPMA Update
4. U.S. EPA Fumigation Workshop
5. Survey Questions
6. PERC request for project ideas
7. Coordinate & collaborate ASPCRO efforts
8. Future activities and meetings

Consider hosting a workshop for EPA in 2018 to focus on commodity fumigations. EPA PRD confirmed interest for a one day workshop in the DC area.

Respectfully submitted,



Derrick Lastinger, Chair