



Structural Fumigation Committee Report August 17, 2018

Chair, Derrick Lastinger (GA)

Members: John Scott (CO), Kelly Friend (FL), Linda Johns (MT), Bonnie Rabe (Rollins), Kevin Jensen (WA), Dale Dubberly (FL), 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), John McHugh (HI), Jesse Cuevas (CA) Tim McPherson, (Douglas Products)

The ASPCRO Structural Fumigation committee submits the following report for the 2018 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

The committee webpage was updated with past committee reports and committee membership. New members include Jesse Cuevas (CA), John McHugh (HI) and Tim McPherson (Douglas Products).

U.S. EPA Fumigation Workshop – Port Wilmington, Delaware

ASPCRO and NPMA held a Commodity Fumigation workshop for U.S. EPA scientists involved in the re-registration and re-evaluation of the non-soil fumigants on July 10-11, 2018. The workshop was hosted by Royal Pest Solutions (RPS) at their corporate training office in New Castle, Delaware. The workshop was attended by 21 U.S. EPA staff from Pesticide Re-evaluation Division (PRD), Registration Division (RD), Health Effects Division (HED) and Biological and Economic Analysis Division (BEAD).

Commodity fumigation and import/export fumigations was the primary focus of the training. The workshop provided EPA staff a hands-on display of the products and activities that are currently in the review process. The workshop

included classroom instruction and discussions to provide a background detailing the fumigation operation, the economic importance of the port fumigations, followed by a field experience with hands-on demonstrations. The workshop wrapped up with a roundtable on state regulatory enforcement challenges.

ASPCRO applauds and supports the Agency's strong commitment of participation in the training. This participation will help ensure commodity 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

On April 16th, the committee met before the mid-year board meeting in Franklin, Tennessee. Jim Fredericks with NPMA provided an update regarding their activities including stewardship initiatives. Dale Dubberly (FL) provided reported on the implementation of the new Florida fumigation rule. The committee discussed the draft survey questions. The proposed commodity fumigation workshop was discussed. Derrick Lastinger (GA) discussed an inquiry from Georgia Congressman Buddy Carter and the response letter sent. The meeting was well attended by 18 state officials and representatives from the regulated community,

Fumigation Management Plans

On April 12, U.S. EPA requested SLA review and input on the NPMA *Site-specific Fumigation Safety and Compliance Plan (FSCP)* and EPA related comments. A workgroup of state officials representing Hawaii, Florida, Texas, Georgia and California reviewed this information and provided comments to U.S. EPA. The workgroup held a conference call on May 1st to discuss the draft FSCP and EPA related comments. The workgroup compiled a list of current state record keeping requirements for structural fumigation. In General, the workgroup does not support the need to require a Fumigation Management Plan (FMP) for structural fumigations in states with state specific regulations. The workgroup reported that a FMP would be redundant and burdensome on the industry and regulatory agencies. Some states require a notice of fumigation to the SLA in advance of the fumigation. These notices include information such as the location of the structure, fumigant name and emergency contact information. Some states also require additional recordkeeping requirements often referred to as a fumigation log. If a state meets a FMP requirement with current state specific regulations, then these requirements should be acceptable and recognized as equivalent.

U.S. EPA

On August 14th, U.S. EPA PRD reported the following to the committee:
The agency is tentatively planning to complete all the structural/commodity fumigant draft risk assessment between late 2018 and 2020. For all the structural fumigants there are a lot of moving pieces, including receipt of all the data required in the DCIs, so there is some uncertainty around the schedule. PRD expects draft risk assessments for methyl

bromide to go out in December 2018, sulfuryl fluoride in March 2019, PPO and phosphine/metal phosphides in June 2019, and ethylene oxide in December 2020.

Since December 2016, the structural fumigant action team has continued to meet to make progress on the OIG's recommendations from their report titled, "Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries from Residential Fumigations." EPA has been working with NPMA, ASPCRO and the registrant on developing fumigant management plans for sulfuryl fluoride. EPA's BEAD Lab in Ft. Meade is planning to conduct an independent validation of the devices used to clear structures fumigated with sulfuryl fluoride.

There is a related recommendation in the draft FY18 National Program Manager Guidance and FY18-21 FIFRA Cooperative Agreement Guidance. The 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

During the 2017 mid-year 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. At the time, the ASPCRO board offered to include the question in a future survey for state regulatory officials. In response to the action items from previous committee meetings, 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*

4. *Does your state require a structural fumigation log record? Yes or No*

If yes, what are the additional recordkeeping requirements?

If yes, are there requirements for consumer notification?

Future activities

The committee plans to have a meeting on August 20th at 2:00 P.M. at the Annual Conference in San Antonio, Texas and will discuss the following items:

- a. Committee report & membership
- b. U.S. EPA Update
- c. NPMA Update – Jim Fredericks
- d. Draft FSCP/FMP & workgroup
- e. U.S. EPA Fumigation Workshop
- f. SFIREG White Paper – Liza Fleeson Trossbach
- g. PERC activities – Kaci Buhl
- h. Clearance devices
- i. Spray foam insulation
- j. Survey Questions
- k. Future activities and meetings

Respectfully submitted,

A handwritten signature in black ink that reads "Derrick Lastinger". The signature is written in a cursive style with a prominent loop at the end of the last name.

Derrick Lastinger, Chair