

**ASPCRO Bed Bug Committee  
2015 Mid-Year Committee Report  
April 20, 2015**

**Committee Members:** **Tim Drake, Clemson University;** Dave Scott, Office of the Indiana State Chemist; **Steve Sims, Kentucky Department of Agriculture;** **Julie Spagnoli, JM Specialty Consulting, LLC;** Norman Goldenberg, Terminix International; Jim Warneke, Fulton Marine International; **Jonathon Berger, BASF;** **Kim Kelley-Tunis, Rollins Corporation;** Jim Fredericks, National Pest Management Association; **Tom Wright, Pest Pro Academy;** and **Liza Fleeson, Virginia Department of Agriculture and Consumer Services (Chair).**

The Bed Bug Committee (Committee) met on August 23, 2014 in conjunction with the 2014 Annual Meeting in Missoula MT. In addition to those members indicated in bold above, John Dalley, North Carolina Department of Agriculture, attended. After the welcome and introductions, the meeting began with a review of the Annual Meeting Report to the Board of Directors as well as a review of meeting agenda. No additional items or modifications to the annual report or agenda were made.

**Issues/Concerns/Focus Areas:**

The Committee recognizes there are many current pesticide related priority issues including Pollinator Protection; Waters of the US; and School IPM. The Committee is resolved that bed bugs continue to be a priority issue and discussed the following specific items:

- I. ***EPA's "Draft Product Performance Test Guidelines OCSPP 810.3900: Laboratory Testing Methods for Bed Bug Pesticide Products"***. On March 6-7, 2012, EPA convened a FIFRA Scientific Advisory Panel (SAP) to receive expert opinions and recommendations on the design and scientific soundness of its guideline which describes approaches to efficacy testing procedures, test methods, data reporting and evaluation of testing results for Section 3 bed bug pesticide product registration. ASPCRO provided written and oral comments to the SAP. The Committee agreed to continue to monitor the process and progress of the test guidelines. ***Current Status:*** *Revisions are expected to be completed in May and will include a revised guideline and response to comments from the public and SAP. The publication date is unknown given there will be an internal review process. There will also be a 30 day comment period once published. EPA's Registration Division has the lead.*
- II. ***EPA's "Product Performance Data Needs for Pesticide Products Claiming Efficacy against Invertebrate Pests Of Significant Public Health or Economic Importance"***. As part of a joint effort with the Termiticide Standards Committee (TSC), the Committee provided input into the nominations to the SAP as well as written and oral comments to the FIFRA SAP which was held March 19-21, 2013. The Committee agreed to continue to monitor the process and progress of this effort along with or in conjunction with the TSC. ***Current Status:*** *The rule was put on hold and has now been activated again. A response to comments needs to be completed after which EPA will revisit and revise the proposed rule. EPA's Field and External Affairs Division - Policy and Regulatory Services Branch has the lead.*
- III. ***25b Products***
  - A. ***Status of OECA's Compliance Assistance Effort*** - The Committee discussed the current status of EPA's Office of Enforcement and Compliance Assurance's (OECA) compliance assistance effort. The Committee had previously agreed to work with EPA to address those products which are exempt from registration under Section 25, Paragraph B of FIFRA and described in 40 CFR (Code of Federal Regulations), Section 152.25 - Exemptions for pesticides of a character not requiring FIFRA regulation, Subpart f, specifically, how best to address those products that do not meet the conditions for exemption and require federal registration. It had come to the attention of the Committee that AAPCO, through Full SFIREG and its Working Committees, were also working with EPA on this effort which had resulted in a

template compliance assistance letter. The Committee agreed as this issue was being addressed, ASPCRO will not continue to focus on the registration status of 25b products. *Current Status: The letter was made available to EPA Regions March 2015 (attached).*

- B. **Product Efficacy** - The Committee had previously agreed to work with EPA to address the issues Member States continue to experience with 25b products including reports of lack of efficacy of these products and/or efficacy data; false or misleading statements or claims to protect human or public health; and misuse. The Committee had previously commented on the proposed 25(b) rule in which EPA proposed to more clearly describe the active and inert ingredients permitted in products eligible for the exemption from regulation for minimum risk pesticides and to modify the label requirements in the exemption to require the use of specific common chemical names in lists of ingredients on minimum risk pesticide product labels, and to require producer contact information on the label. The Committee discussed possible mechanisms to address these issues, possible solutions and what, if any, role ASPCRO can play.

The following points were discussed during the meeting:

1. The minimum risk rule was promulgated prior to PRIA. PRIA was designed to reduce workload on EPA. Could EPA now charge a fee and bring 25(b) products back into the fold?
2. For those State Lead Agencies that have the authority and resources to require and review efficacy data, guidance is needed regarding the minimum data SLAs should request i.e.: six-pack study (similar)
3. There seems to be the need to re-focus/clarify the discussion. It is not that “25b” products are the issue, in other words, being exempt from federal registration, it is the lack of efficacy; no efficacy; claims that are not true (i.e.: kills on contact vs. residual activity).
4. The intersect of 25b products and environmental justice initiatives may be an appropriate starting point when discussing our concerns regarding 25b products with EPA. Given the high cost of bed bug treatments, the likelihood of individuals not able to afford conventional treatment and instead using 25b or other chemicals is thought to be high and could lead to misuse. There have also been reports of 25b products being spiked with an active ingredients;
5. Perhaps SLAs could test 25b products as part of formulation sample to determine if the product misbranded (spiked; ingredients not on 25b lists)? This does assume certain lab capabilities. Also, how would SLAs determine what AIs to test for if spiking is suspected?
6. Data could be collected from SLAs regarding reports of misuse of 25b products although it is recognized that SLAs may not have many as this is most likely homeowners doing treatments themselves. There may be incidences in multifamily housing units; public housing etc. In addition to misuse reports, another question would be have there been reports regarding the efficacy of registered or exempt products; the level of infestations; call numbers (up or down)?
7. From a revenue standpoint, bed bug pressure/level there seems to be some correlation with geographic location, for example, southern states not much pressure, i.e.: Florida. Do environmental factors play a role and should activities take this into consideration?
8. Hosting of an open forum/25b bulletin board may be a possibility. SLAs could share/post adulteration findings (joint AAPCO/ASPCRO). How would/could that be used?
9. Could ASPCRO reach out to the regulated industry and ask that any situations of misuse or concerns regarding the formulation of a product they encounter be reported to the SLA? While this may be occurring in some States, can this be “marketed”: to PMPs?
10. A Phase 2 Survey of State Lead Agencies may assist in refining the issues experienced by States.

The Committee concluded the discussion portion with a consensus that education is still the key and there is a need for all stakeholders to be able to recognize legitimate sources of information related to bed bugs and their management. Perhaps a template for SLAs for news releases would be of use to SLAs to address misinformation or provide good sources of information. There still seems to be issues with PMPs not being able recognize bed bugs. Perhaps NPMA can assist?

## **Request to the Committee**

A request of the Committee was made to develop model regulations for canine scent detection; heat treatment; ozone treatment; and cold treatment including efficacy data. This will be brought to the Board for consideration. ***Current Status:*** *The Board requested that SLAs be polled to determine the need for model regulations and the priority order of activities for the Committee. The Board will consider this at the 2015 Mid Year Meeting.*

## **ACTIVITIES MOVING FORWARD**

The Committee will focus on the discussion points above continuing work as appropriate. Should the Board direct the Committee to develop model regulations, the Committee will begin the planning process.

Respectfully submitted,

A handwritten signature in blue ink that reads "Liza J. Fleeson". The signature is written in a cursive, flowing style.

Liza J. Fleeson  
Chair - Bed Bug Committee



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC 20460

## **REGISTERED MAIL**

Enter 25(b) Manufacturer's  
name and address

### **COMPLIANCE ASSISTANCE ADVISORY**

Alleged Noncompliance with the Federal Insecticide, Fungicide and Rodenticide Act,  
Section 25(b) Minimum Risk Exemption

Dear (Contact name),

Section 25(b) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), authorizes the U.S. Environmental Protection Agency (EPA) to exempt certain pesticides from statutory and regulatory requirements. Specifically, 40 CFR Part 152.25(f) exempts "minimum risk pesticides" and specifies the conditions which must be met in order to qualify for the FIFRA section 25(b) exemption. Information on minimum risk pesticides can be found on the EPA website at:  
[www.epa.gov/oppbppd1/biopesticides/regtools/25b\\_list.htm](http://www.epa.gov/oppbppd1/biopesticides/regtools/25b_list.htm).

The EPA has reason to believe that your product (Name of product) may not meet the conditions to qualify for the exemption, as specified in section 40 CFR Part 152.25(f). To ensure that your product is compliant with FIFRA, we recommend that you verify that it meets the conditions for exemption. If satisfying the exemption requirements is not possible, immediately take appropriate steps to register the product with EPA or withdraw your product from the market. Be advised that, unless the product qualifies for the exemption, it may not be sold or distributed until properly registered. Information about applying for a pesticide registration is available at: <http://www.epa.gov/pesticides/regulating/registering>.

[Reasons Your Product May Not Meet the Requirements for Exemption from Regulation: (Describe how the product allegedly fails to qualify for the minimum risk exemption and steps the manufacturer/ producer must take to qualify for the exemption)] Optional.

Failure to ensure that your products are compliant with FIFRA may result in an enforcement action against you or any other person who distributes or sells your product. FIFRA provides authority to assess civil penalties of up to \$7,500 per violation and additional civil penalty liability exists under state laws.

EPA is interested in a dialogue with you concerning this Compliance Assistance Advisory. In particular, we would be interested in seeing a signed copy of EPA Form 8570-1 (Application for Pesticide Registration/Amendment) which has been submitted to EPA, or corrected labeling and advertising. Please contact ([regional contact information](#)) to discuss this matter further, or if you have any questions.

Signature block

### **Language for Insect Repellency Graphic**

The Repellency Awareness Graphic is only intended for use on registered pesticide products for which EPA has determined that insect repellency efficacy data submitted for the product supports use of the graphic. Your use of the Insect Repellency Awareness Graphic on your product, ([name of product](#)), may be considered a false or misleading statement and therefore subject to the enforcement provisions of FIFRA. Specifically, the inclusion of the Repellency Awareness Graphic, or some variation thereof, on a pesticide product label without engaging the Agency as explained in the attached Repellency Awareness Guidance Document may be considered a false or misleading statement under 40 CFR sections 156.10(a)(5) and 152.25(f)(3)(iii) and therefore constitute misbranding under section 2(q)(1)(A) of FIFRA. Sale and distribution of a misbranded pesticide is an unlawful act under FIFRA section 12(a)(1)(E). Pursuant to 40 CFR section 152.25(f)(3)(iii), any false or misleading labeling statements regarding your product would cause the product to lose its exempt status under 152.25(f).

- Note – Get a copy of the Repellency Awareness Guidance Document – Go to:  
<http://www.epa.gov/pesticides/insect/guidance-repel-awareness-9-2013.pdf>