



Structural Fumigation Committee Report April 12, 2018

Chair, Derrick Lastinger (GA)

Members: John Scott (CO), Kelly Friend (FL), Linda Johns (MT), Bonnie Rabe (Rollins), Kevin Jensen (WA), 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 2018 Board of Directors mid-year 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.

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

ASPCRO and NPMA are planning to host a Commodity Fumigation workshop for U.S. EPA scientists involved in the re-registration and re-evaluation of the non-soil fumigants in late spring 2018. The workshop will be attended by U.S. EPA staff from PRD, RD, HED and BEAD.

Commodity fumigation and import/export fumigations will be the primary focus of this training. The workshop will provide EPA staff a hands-on display of the products and activities that are currently in the review process. The workshop will include classroom discussions to provide a background detailing the different types of fumigations, followed by a field experience with hands-on demonstrations.

ASPCRO applauds and supports the Agency's commitment to participate in the training to 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 August 29th, the committee met at the annual conference in Burlington, Vermont. The committee discussed the draft survey questions and requested to add a new question regarding existing structural fumigation log recordkeeping requirements. The recent fumigation workshop held in Florida was discussed and the committee recognized the importance of the workshops and supports the effort to hold a future workshop focusing on commodity fumigation. The meeting was attended by 30 state officials and representatives from the regulated community,

U.S. EPA

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 will review and provide comments.

On April 12th, EPA PRD reported the following to the committee:

The agency is tentatively planning on all the structural/commodity fumigant DRAs to go out between late 2018 and 2019. For all the structural fumigants there are a lot of moving pieces, including receipt of all the data, so there is some uncertainty around the schedule. For example, for phosphine, the agency is in the process of evaluating much of the exposure data, but waiting on some of the toxicology data. The methyl bromide risk assessments should publish in December, sulfuryl fluoride will go out the following quarter in March, and they will be the first of the structural fumigants.

The structural fumigant action team has met bi-weekly to make progress on the OIG's recommendations since December 2016. EPA has been working with NPMA on developing fumigant management plans for sulfuryl fluoride. The EPA team is still in the process of exploring efficacy on clearance devices as additional information is provided.

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, President Fleeson Trossbach 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*

Future activities

The committee plans to have a meeting on April 16 at 9:00 A.M. at the Mid-year Meeting Conference in Franklin, Tennessee and will discuss the following items:

- 1. Committee report & membership
- 2. U.S. EPA Update
- 3. NPMA Update on Stewardship Initiatives
- 4. Draft FSCP
- 5. FDACS Stewardship Training Rule and Tracking Compliance
- 6. U.S. EPA Fumigation Workshop
- 7. Survey Questions
- 8. Letter to Congressman Buddy Carter (GA)
- 9. Future activities and meetings

Respectfully submitted,



Derrick Lastinger, Chair