



Structural Fumigation Committee Report April 19, 2022

Chair, Derrick Lastinger (GA)

Members: John Scott (CO), Kelly Friend (FL), Bonnie Rabe (Rollins), 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), Ken Everett (CA) Tim McPherson, (Douglas Products), Cindy Fulton (WY), Chris Davis (Rentokil), Dale Dubberly (Ensystem), Courtney Frazier (FL), Derek Johnson (Cardinal Products), Tory Matsumura (HI)

The ASPCRO Structural Fumigation committee submits the following report for the 2022 Board of Directors mid-year board 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

Ken Everett (CA) DPR, Tory Matsumura (HI) and Derek Johnson (Cardinal Professional Products), Chris Davis (Rentokil) were added to the committee.

Meetings

The committee met several times regarding the Sulfuryl Fluoride Draft Interim Re-entry Mitigation Measures Memorandum, in response to the Office of Inspector General (OIG) audit. The committee met on August 9, 2021.

During the virtual annual conference on August 11th, Derrick Lastinger presented a summary of the July SLA survey that focused on clearance devices and EPA draft mitigation measures. He also reviewed committee activities and general SLA concerns that will likely be included in ASPCRO's comments to EPA.

The committee met prior to the mid-year meeting on April 19, 2022 in Reno, Nevada with the following agenda:

1. Committee report & membership
2. U.S. EPA Update
3. NPMA Update – Jim Fredericks
4. State clean air permitting concerns
5. U.S. EPA testing of SF Clearance devices
6. Registrant Updates – Tim McPherson
7. Spray Foam Insulation Research – Tim McPherson
8. PERC Non-soil Fumigation Project Update
9. 2022 Annual conference
10. Future activities and meetings

Meeting summary:

- Discussed potential training for US EPA to focus on current issues and possible solutions regarding current Interim Decision on SF. ASPCRO and NPMA will check with EPA on training needs and opportunities.
- Consider a topic at the ASPCRO conference focusing on SLAs provide outreach and relationship building with state air pollution regulators under environmental protection agencies.
- NPMA PestWorld will offer fumigation training track this year at the conference in Boston in October.

U.S. EPA

The agency was contacted to submit an update to ASPCRO. On March 29th, U.S. EPA PRD fumigation lead reported the following to the committee:

OPP is working to finalize Interim Decisions (ID) for the structural/commodity fumigants. The inorganic sulfites ID was completed and published to the Federal Register on Apr 28, 2021. The Draft Risk Assessments (DRA) and Proposed Interim Decision (PID) for propylene oxide (PPO), and phosphine and aluminum and magnesium phosphides (the metal phosphides) were completed and released for public comment in fall 2020. After a 30-day comment period extension, the comment period ended in January 2021. The PPO ID was completed in June 2021 and is available in the docket. The phosphine and metal phosphide ID is expected to be signed by the end of March, and should be posted to the docket within the next few months. The ethylene oxide DRA was released for public comment in fall 2020 and the PID is scheduled for September 2022.

On May 25, 2021, EPA published the *Sulfuryl Fluoride Draft Interim Re-entry Mitigation Measures Memorandum*, in response to the Office of Inspector General's 2016 report, *Additional Measures Can Be Taken to Prevent Deaths and Serious Injuries From Residential Fumigations* (No. 17-P-0053). This early mitigation was proposed to address potential re-entry risks from use of sulfuryl fluoride in residential fumigations in advance of the regular Registration Review schedule for this chemical. The early mitigation proposed to: Remove ineffective clearance devices from product labels, require Fumigant Management Plans, enhance signage, stewardship, and aeration procedures for residential fumigations. The comment period for the early mitigation proposal and the registration review risk assessments, which closed on September 23, 2021, resulted in over 130

comments. Substantive comments were submitted on the early mitigation, particularly on the aeration procedures that would be required by the fumigation industry for residential fumigations. EPA's Pesticide Re-evaluation Division (PRD) plans to work with stakeholders to refine the early mitigation, including the aeration requirements, to address regional concerns and develop an implementation plan that would allow the fumigation industry to acquire the necessary equipment to adopt the new requirements. PRD anticipates the Sulfuryl Fluoride Final Interim Re-entry Mitigation Measures Memorandum to publish late 2022. The Registration Review of sulfuryl fluoride for all the uses of this chemical will be completed once the dietary assessment is finalized.

Tiffany Green is the fumigant coordinator for EPA.

Fumigation Management Plans

No activity

Draft Interim Re-entry Mitigation Measures Memorandum

In response to the memo, ASPCRO created a workgroup of SLA members to focus on a response. The workgroup members represented 7 states (GA, SC, FL, CA, WY and TX).

This group along with the full SFC requested the ASPCRO board to submit a letter to US EPA requesting a 180-day extension. The group determined that more time was needed to survey the states, review the measures and have meaningful discussions with ASPCRO membership. The workgroup created a survey to send to the states to learn more about state concerns and activities related to the draft measures. The workgroup used the survey results in the ASPCRO comments. Some of the SLA workgroup members met with US EPA in June 2021 to discuss the measures and share initial concerns.

U.S. EPA was contacted in August 2020 to gauge potential needs for training and/or discussions. EPA fumigation contact forwarded the offer to the EPA fumigation workgroup and reported back that a general structural pest management training is needed that focuses on structural pesticide application, uses, and practices.

On September 21, 2021, ASPCRO submitted comments to the Federal Docket ID No: EPA-HQ-OPP-2009-0136. AAPCO cosigned on the ASPCRO Comments. The following comments were submitted:

In general, ASPCRO and AAPCO members support measures that increase pesticide safety for applicators, consumers, bystanders, animals and the environment. Each of EPA's proposed mitigation measures impact states differently depending on state specific regulations, pest pressures/issues, the size of the structural fumigation industry, and in some cases the weather patterns. These comments reflect common concerns amongst member states in each area.

Remove references to ineffective clearance devices from product labels

ASPCRO and AAPCO support the EPA decision to retain only effective devices and encourages the EPA to review any additional studies provided to ensure all acceptable data is considered. ASPCRO and AAPCO support decisions made on robust, sound science and there needs to be further review of the data and study to garner support of this action.

In July and August of 2021, a national survey was conducted of state lead agencies. The survey request was sent to all ASPCRO and AAPCO members. 26 states responded and reported the following information regarding the use of clearance devices:

- Spectros Instruments SF-ExplorIR [9 states reported the use of this device with 405 devices in use]
- ppm Messtechnik GmbH M.A.C 2640 CLIRCheck [5 states reported the use of this device with 315 devices in use]
- Interscan Corporation GF1900 [11 states reported the use of this device with 38 devices in use]
- Uniphos Envirotronic FumiSpec-Lo [one state reported that one device in use]

It is important to note that this does not include all states, as some do not have access to clearance device information or did not participate in the survey. However, it should provide a basic idea of the impact of this mitigation measure and the criticality of being sure the science supports removal of the devices from the label. ASPCRO and AAPCO are concerned that removing these devices without assurance that the approved devices are available for purchase by applicators will cause a major disruption to the industry and affect consumers.

Require elements that are comparable to the California Aeration Plan

EPA's proposed mitigation measure requiring elements comparable to the California Aeration Plan (CAP) has generated much conversation amongst states. Foremost, this requirement was not addressed in EPA's Office of Inspector General's (OIG) report and therefore should not be part of the draft mitigation measures. It would be more appropriately addressed as part of the sulfuryl fluoride re-registration review process.

ASPCRO and AAPCO request that EPA provide studies that show that the elements of the California Aeration Plan are necessary to improve safety and would like to know if any other alternatives were considered. ASPCRO and AAPCO have the following questions for EPA:

- Are there other more cost-effective approaches to adding safety? Is this the only solution to the concern?
- Were other alternative safety measures considered? Has EPA considered how CAP will work in parts of the country, other than California, given regional weather conditions?
- Has EPA completed a cost analysis of implementation to consumers? If so, can this analysis be shared with ASPCRO and AAPCO?

- Will EPA offer additional funding to states to train applicators, state inspectors and state enforcement staff on CAP?

CAP doesn't always work, and the draft mitigation measure doesn't take into account fumigation types such as tape and seal and vault fumigations. When CAP fails, there needs to be alternatives or flexibility on the label.

ASPCRO and AAPCO have the following concerns about CAP implementation:

- There is uncertainty regarding the availability of label mandated materials such as tarps and stacks. If materials are difficult to acquire this will affect accessibility to fumigation services and may affect compliance.
- In lieu of CAP, flexibility is needed for alternative aeration methods to accommodate certain conditions (i.e. weather events).
- There is concern that increased aeration time increases the time a house is tarped, thus increasing opportunity for break-ins and resulting human health concerns.
- The increased aeration time will increase operating costs and consumer costs.
- States need plenty of time to fully implement this requirement.
- CAP will require significant training of applicators, state inspectors and state enforcement staff. Funding to support the implementation of CAP will be needed. Most states don't have fumigation schools and applicators/inspectors may need to travel out of state to attend trainings such the University of Florida Fumigation School.

Require fumigant management plans for residential fumigations

As regulators, ASPCRO and AAPCO members understand that recordkeeping is a necessary tool for assessing compliance. However, members question the need for all of the new recordkeeping requirements and requests clarification as to the risks that are being mitigated by this requirement. ASPCRO and AAPCO do not support the use of the Fumigant Management Plan (FMP) term considering that the site changes for each application. FMPs are most appropriate for site specific fumigations that are routine and repeated.

ASPCRO and AAPCO support allowing flexibility on how and when the information is collected and documented

when it comes to this mitigation measure. Some of the requirements in the FMP would not be known before the fumigation such as "time the seal will be open" and "total aeration time". Further, the required records could be collected or compiled by someone other than the certified applicator. It could be collected in different formats. Many states already have these elements required in current state regulations.

Reduce access to fumigation tents through enhanced posting/warning signs

ASPCRO and AAPCO offer that EPA should allow flexibility if state requirements either meet or exceed EPA's proposed posting requirements. ASPCRO and AAPCO have concern about state inspectors' ability to determine a true seam from a false seam

(locations where the tarp is rolled to tighten, rather than two separate tarps coming together). This may lead to inspection challenges and inspector safety concerns.

ASPCRO and AAPCO request some of the verbiage for this requirement be clarified. The current proposed language states that “Warning signs must be constructed of material that enables wording to remain legible and visible for the duration of the fumigation and aeration periods” which indicates that the sign must be constructed to be able to remain legible and visible duration of the fumigation and aeration periods. However, the language doesn’t state that the sign must remain posted, legible and visible. It is recommended that additional language be added “Warning signs must remain legible and visible for the duration of the fumigation and aeration periods”.

Require stewardship training

ASPCRO and AAPCO are supportive of strong stewardship and training requirements. However, member states have expressed concern over EPA’s approval of the stewardship training. Like all other label requirements, regulation and enforcement should be left to the states.

Considering all of the measures collectively, the following additional comments are provided:

- The cost of all measures combined may reduce the service availability to consumers and potentially eliminate companies offering this service. Public health could be negatively affected by these changes considering the purpose of some structural fumigations. For example, bedbug infestations in low-income areas may go unchecked due to increased costs of bedbug fumigation services to the consumer.
- A phased implementation timeline is necessary for these measures. Some of the mitigation efforts may require state regulation changes which can take several months to several years to propose and adopt.
- Training will be required for applicators, crew members, state inspectors, pesticide safety educators, and state enforcement staff. We request additional funding to support the implementation of these measures. Most states don’t have fumigation schools and applicators/inspectors may need to travel out of state to attend trainings such the University of Florida Fumigation School. We request focused training for state inspectors and compliance managers through PIRT and PREP.
- States have existing infrastructure that will be significantly impacted. Funding and time will be needed to update inspection forms, inspection software programs, examinations, training materials, and outreach materials.

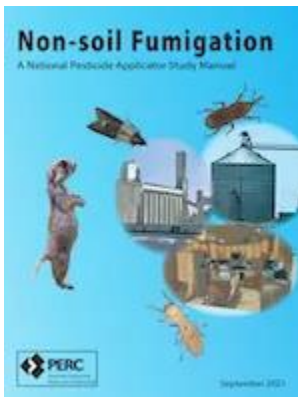
Since 2015, ASPCRO has hosted 4 workshops that focused on non-soil fumigations. Over 50 EPA officials attended these workshops providing much needed information exchange. ASPCRO and AAPCO look forward to continuing a dialogue with EPA on the draft mitigation measures and future issues. Please don’t hesitate to contact ASPCRO and/or AAPCO if we can provide additional information or assistance.

Summary

Registration Review: SFC is routinely communicating with OPP as they finalize risk assessments and preliminary interim decisions for the structural/commodity fumigants. SFC continues to offer and provide resources and assistance to EPA for training needs and discussion regarding the state regulation and the use of the structural/commodity fumigants. ASPCRO has worked with NPMA to host 4 fumigation workshops for EPA pesticide reevaluation scientists (Over 50 US EPA staff participated in these workshops).

Air Permits: SFC started a dialogue with the Mid-Atlantic Regional Air Management Association (MARAMA) which is made up of 11 states. In 2019, MARAMA issued a fumigation white paper focusing on fumigation and environmental agencies regulating fumigants as air pollutants. Ryan and Derrick attended a MARAMA fumigation workgroup meeting & webinar on December 15, 2020. NJ, NC and MD environmental departments presented information on fumigation operations and rulemaking. After US EPA issued the draft mitigation measures on May 25th, ASPCRO reached out to MARAMA to make them aware of the memo and ask if they planned to discuss. No communications have been received..

PERC: SFC worked with Sandra McDonald on the PERC Non-soil fumigant project. Several SFC members served on the PERC project workgroup. SFC provided support and a network of experts to assist when needed. ASPCRO assisted with the learning objective ranking survey. The NSF Exam workgroup finalized the test blueprint and reviewed the manual and writing examination questions. The final manual was published and posted on the [PERC website](#). A limited number of printed manuals were provided.



This [manual](#) and exam bank are intended for selected categories of commercial pesticide applicator certification/licensing for specific uses of non-soil fumigation pesticide products. These product categories include those for structural pest control, rodent burrow pest control and commodity fumigation pest control.

The manual is available to states, tribes and territories with EPA-approved applicator Certification Plans that have a Non-Soil Fumigation certification category or subcategory. In November 2021, PERC will mail a free hard copy of the complete manual to those states, tribes and territories if requested. This provides an opportunity to review the document and then purchase printed copies or download to modify and print.

- A printed copy is available to states, tribes, and territories to evaluate the content. Entities are encouraged to make locally relevant modifications as needed and print the manual locally.
- Printed copies for purchase will be available in the future.
- To request a modifiable file, kindly email PERCsupport@ucdavis.edu with your request. You may do this at any time.
- We will honor requests for state/tribal/territory entities with a Certification & Training program approved by the U.S. EPA. Recipients must agree not to distribute electronic versions via email, file-sharing tools, website(s), and/or other means.
- To request exam questions and answers, contact Jeanne Kasai at kasai.jeanne@epa.gov.

Future activities

Respectfully submitted,

A handwritten signature in black ink that reads "Derrick Lastinger". The signature is written in a cursive, flowing style.

Derrick Lastinger, Chair