



Structural Fumigation Committee Report August 22, 2023

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), Chris Davis (Rentokil), Dale Dubberly (Ensystem), Courtney Frazier (FL), Derek Johnson (Cardinal Products), Adam Yamamoto (HI), Allison Cuellar (TX).

The ASPCRO Structural Fumigation committee submits the following report for the 2023 Board of Directors annual 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

Add Staci Johnson (Ecolab)

Meetings

The committee met prior to the mid-year board meeting on April 4, 2023 in Lexington, Kentucky and on August 22, 2023.

Agenda for August 22nd

1. Committee report & membership
2. U.S. EPA Update
3. Sulfuryl fluoride early mitigation – Courtney Frazier
4. NPMA Update – JD Darr & Sean Brantley
5. Registrant Updates – Douglas & Enystex
6. 2023 Annual conference and Fumigation Session – Allison Cuellar
7. Future activities and meetings

At the August 22nd meeting, Cortney Frazier provided an overview of the early mitigation measures for SF that EPA published on June 29th. During this discussion, the committee learned that EPA may make a few more changes to the language by issuing a memo in September. EPA did not attend the meeting but did submit a written update noted below. JD Darr provided an NPMA update and shared the link to the July 25th amended Phosphine and aluminum and magnesium phosphides DRA and PID. These amendments revised the buffer zones and restrict in-burrow applications. NPMA also discussed a bill introduced by Georgia Senator Warnock (S. 759) that establishes a national detector dog training center that will collaborate with US Customs and Border Protection to safeguard domestic agricultural and natural resources. There was discussion that there could be an amendment to the bill establishing fumigation schools to address an increase in U.S. port pest detections requiring a fumigation. The meeting was attended by 27 conference/committee members.

U.S. EPA

The agency was contacted to submit an update to ASPCRO. On August 17th, 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 Assessment (DRA) and Proposed Interim Decision (PID) for propylene oxide (PPO) 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. EPA released an [update to the PPO ID](#) in December 2021 to clarify ambiguous language in the original ID. The phosphine and aluminum and magnesium phosphides (the metal phosphides) DRA and PID 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 Agency released the [amended phosphine and metal phosphide PID](#) on July 25, 2023 which includes proposed ecological mitigation measures for non-target organisms (including listing species). The amended phosphine PID includes the following updates: revised buffer zone proposals; label language to restrict use of in-burrow applications to target species only, and pre-application burrow check language; ecological incident reporting language and Bulletins Live! Two labeling language; and Fumigant Management Plan language. The comment period is open until Sept 25th, 2023. A Draft Risk Assessment (DRA) Addendum and Proposed Interim Decision (PID) for ethylene oxide (EtO) were completed and released for public comment in April 2023. After a 15-day comment period extension, the comment period ended on June 27, 2023. The EtO ID is scheduled for 2024.

On May 25, 2021, EPA published an early mitigation proposal, 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 addresses 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 included a proposal to: Remove ineffective clearance devices from product labels and require Fumigant Management Plans, enhance signage, stewardship, and aeration procedures for residential fumigations. The comment period for the early mitigation closed in September 2021, resulted in over 130 comments which lead to changes in some of the mitigation. EPA's Pesticide Re-evaluation Division (PRD) is currently communicating with stakeholders on the changes and plans to issue the final early mitigation in the June 2023 publication of the "Revised Mitigation and Response to Comments on the Sulfuryl Fluoride Draft Interim Mitigation Measures Memorandum." Once this document publishes, sulfuryl labels will be required to be submitted to the Agency with the new language for residential fumigations. 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.

Workshop for US EPA



ASPCRO and NPMA are hosted a 2.5-day structural fumigation workshop on September 20-22, 2022 at the University of Florida Fumigation School in Davie, Florida. 5 U.S. EPA Officials from PRD, HED and BEAD attended.

Workshop agenda included a full fumigation of the hurricane house including the preparation, SF introduction, aeration and clearance. There was also a discussion about state regulation and inspections.

March 2023 Early Mitigation Response: Revised Mitigation and Response to Comments on the Draft Interim Re-entry Mitigation Measures Memorandum.

In response to a request to review revised early mitigation to the 2021 memo, ASPCRO reconvened a workgroup of SLA members to focus on a review and dialogue with EPA. The workgroup members represented 6 states (GA, SC, FL, CA, and TX).

On March 30th, ASPCRO and NPMA met with EPA to discuss the revised early mitigation.

On April 14th, ASPCRO provided the following comments to EPA.

On February 23, 2023, EPA provided ASPCRO with a revised draft of the Sulfuryl Fluoride Draft Interim Re-Entry Mitigation Measures. ASPCRO appreciates the opportunity to review and provide comments to EPA. In response to the opportunity to review and comment, ASPCRO created a workgroup to review and provide comments. The workgroup included state pesticide regulatory officials from South Carolina, Florida, Texas, California and Georgia.

Residential Fumigations

Throughout the label table, EPA references “residential fumigations”. Many states including Florida, Georgia and Texas regulate all structural fumigations under the same regulations, regardless of whether the building is utilized for commercial, residential or industrial purposes. ASPCRO is seeking input from the EPA as to if they intend for the amendments on the label to only affect fumigations of residential structures. Additionally, ASPCRO has questions about the definition of residential fumigation and requests that EPA provide a definition and examples. The definition will be necessary to enforce this requirement should the EPA wish for the amendments to be specific to residential fumigations only.

Warning signs Label Language

ASPCRO supports the exemption for states that have an existing rule for warning signs.

Residential Fumigation Management Plan

ASPCRO would like to know the process that EPA will follow to add states to the exemption like Florida and California.

Efficacy Monitoring – this requirement for every residential fumigation was not in the draft of the proposed EPA OIG Interim Mitigation. ASPCRO needs more time to engage states on this new requirement. If EPA is considering proposing this new requirement, then EPA should publish for a public comment period. APSCRO would like to know what information would be required for the FMP and how states would enforce the requirement beyond recordkeeping on the FMP.

Stewardship Requirements

The language that states, “state will have the responsibility if they have the capacity to approve stewardship plans for their state” needs to be clarified to state that the state will not be required to approve the plans.

Portable Clearance Devices

The current language may not be enforceable.

Aeration and Reentry Requirements for residential use sites

Vikane is referenced in this section. Should this section also apply to Zythor?

Since 2015, ASPCRO has hosted 5 workshops that focused on non-soil fumigations. Over 50 EPA officials attended these workshops providing much needed information exchange. ASPCRO looks forward to continuing a dialogue with EPA on the draft mitigation measures and future issues. Please don't hesitate to contact ASPCRO if we can provide additional information or assistance.

Future activities

The committee plans to meet in October to discuss the expected September memo issued by EPA. The committee also plans to meet in April 2024 at the ASPCRO mid-year board meeting.

Respectfully submitted,



Derrick Lastinger, Chair



Structural Fumigation Committee Meeting
 August 22, 2023 9:00 AM
 Whitney Peak 3 Meeting Room
 Whitney Peak Hotel

Name	Agency/Company	Email
Derrick Lastinger	GDA	derrick.lastinger@agr.georgia.gov
Thomas Varney	Rentokil NA	tom.varney@rentokil.com
Ken Kendall	Ensystem	ken.kendall@ensystem.com
Heather Kern	Douglas Products	heather.kern@douglasproducts.com
Tara McAllister	AL Dept. of Ag.	tara.mcallister@agr.alabama.gov
ANGEL EGAN	ECOLAB	angel.egan@ecolab.com
BRAD Smith	Kentucky Dept of Ag	brad.smith@ky.gov
Suzanne Graham	MASSSEY SERVICES	Sgraham@masssey-services.com
TIM McPHERSON	Douglas Products	tim.mcperson@douglasproducts.com
Michael Kelly	Tx. Dept. Ag.	michael.kelly@texasagriculture.gov
Allison Cuellar	Tx Dept of Ag	allison.cuellar@texasagriculture.gov
ED HERNANDEZ	ENSYSYSTEM	EHERNANDEZ@ENSYSYSTEM.COM
Bonnie Rabe	Rollins Inc.	brabe@rollins.com
Rick Bell	Arrow Ext.	rbell@arrowext.com
John Scott	CDA	John.W.Scott@state.co.us
J.D. Darr	MPMA	jdarr@pestmoulden.com
John Pitcock	KY Dept of Ag	john.pitcock@ky.gov
Amy Brown	EDACS	Amy.Brown@EDACS.gov
Josh Nimocks	Ensystem	josh@ensystem.com
Brian Kennedy	AZ Agriculture	b.kennedy@azda.gov
Ryan Okay	Clemson DPR	rokey@clmson.edu
Adam Yamamoto	Hawaii Dept. of Ag.	adam.y.yamamoto@hawaii.gov
Bill Worsitt	Rose Pest Solutions	BWorsitt@rosepest.com
Richard Willis	NCDA + CS: Structural Pest Control	Richard.Willis@NCAGR.gov
VICTOR LENNON	NCDA + CS: SPC + D	Victor.lennon@ncagr.gov
Mary Hernandez	PLCL / Mission City fumigation	Mary@hernandezscargas.com
Courtney Traas	FDACS	Courtney.traas@fdacs.gov