



Structural Fumigation Committee Report August 19, 2024

Chairs, Derrick Lastinger (GA), Courtney Frazier (FL)
Members: John Scott (CO), Kelly Friend (FL), Bonnie Rabe (Rollins), Ken Kendall (Ensystem), Norman Goldenberg (Namron Business Associates), JD Darr (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), Derek Johnson (Cardinal Products), Adam Yamamoto (HI), Allison Cuellar (TX), Staci Johnson (Ecolab).

The ASPCRO Structural Fumigation committee submits the following report for the 2024 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

No changes

Meetings

The committee met on April 23rd at the Westin Portland Harborview in Portland Maine.

- Derrick Lastinger (GA) provided the committee report including the updates received from EPA.
- Courtney Frazier (FL) shared information about several memos from EPA since the committee last met in August of 2023. In the October 23, 2023 memo EPA states the following:

EPA was concerned about the statement being misbranding and revised the statement to the following, which is included in the attached 10.23.2023, SF label table:

“Registrants, remove all references to clearance devices being ‘approved.’ Replace language with the following statement:

‘Confirm concentration of sulfuryl fluoride of 1ppm or less. Refer to EPA's website at Sulfuryl Fluoride | US EPA (<https://www.epa.gov/ingredients-used-pesticide-products/sulfuryl-fluoride>) for more information and a list of effective clearance devices.’ ”

The committee discussed this language and shared concerns. SLA’s considered this language unenforceable. ASPCRO will follow-up with EPA regarding this language and the need for better communication.

- Ryan Okey (SC) discussed the need for commodity fumigation training. He plans to work with Derek Johnson (Cardinal Products) to organize a regional training in 2025.
- JD Darr (NPMA) provided an update and discussed the Farm Bill.
- The committee discussed next steps with SF re-registration review and to ask EPA for a list of staff on the SF re-registration review team.
- The committee discussed the need for training for state regulators and will pursue PREP and PIRT for opportunities.

Agenda for August 20th

1. Committee report & membership
2. U.S. EPA Update
3. U.S. EPA Training Request Allison Cuellar
4. Registrant Updates – Douglas & Ensystem
 - a. New labels
 - b. Implementation plan
5. Metal phosphides ID – Courtney Frazier
6. Regional Training – Ryan Okey
7. NPMA Update – JD Darr
8. Beagle Brigade Act – JD Darr
9. Future activities and meetings

The committee met on August 20th and discussed each agenda item. Douglas and Ensystem discussed their plans to implement the new labels and stewardship training. ASPCRO received a request from EPA for training on SF uses in commodity fumigation and food mills. The committee discussed the need for regulator training and will ask the board to support future PIRT and PREP training opportunities.

This interim mitigation finalizes risk mitigation measures ahead of the typical mitigation phase of Registration Review in response to the OIG Report. In this decision, EPA lists the following label requirements to ensure safe use as a structural fumigant in residential use sites:

- Clearly post warning signs to prevent admittance to fumigation tents during fumigation;

- Site-specific fumigation logs for residential fumigations;
- Additional registrant sponsored application stewardship training;
- Remove references to “approved” clearance devices from product labels and refer users to the EPA website, which will list the portable clearance devices determined to be effective, according to the EPA’s performance criteria; and
- Longer active and passive aeration times for Aeration Procedures 1 and 2.

The scope of this early mitigation focused on the use of sulfuryl fluoride as a **structural fumigant in residential use sites**. For all sulfuryl fluoride products registered for residential use, amended labels were submitted with the revised label language, which the Agency approved on July 11, 2024. *Existing stocks of sulfuryl fluoride products bearing previously-approved labels can be distributed and sold for 12 months from that date.*

Notwithstanding this action, sulfuryl fluoride is still undergoing EPA’s re-evaluation process, Registration Review, wherein all uses of sulfuryl fluoride are being assessed.

U.S. EPA

On June 30, 2024, EPA announced the Agency’s final early mitigation decision for the structural fumigant sulfuryl fluoride. The “Sulfuryl Fluoride Revised Mitigation and Response to Comments on the Draft Interim Re-entry Mitigation Measures Memorandum” addresses the [EPA Office of the Inspector General’s \(OIG\) report](#) findings that EPA can better prevent deaths and serious injuries caused during residential fumigations by amending sulfuryl fluoride labels and monitoring compliance.

The agency was contacted to submit an update to ASPCRO. On August 15th, 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 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. The Agency released the [amended phosphine and metal phosphide PID](#) on July 25, 2023. The [ID and updated label language](#) for phosphine and aluminum and magnesium phosphide products were released in June of 2024. The ID and updated label language include updates to address public comments on the PID. 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. The EtO ID is scheduled for 2024.

On July 11, 2024, EPA announced the approval of revised sulfuryl fluoride labels that add safety measures to prevent deaths and serious injuries when people re-enter homes

fumigated with sulfuryl fluoride. The safety measures are described in the June 2023, Revised Mitigation and Response to Comments on the Sulfuryl Fluoride Draft Interim Mitigation Measures Memorandum, which addresses the 2016 Office of Inspector General (OIG) audit to increase safety and compliance during fumigations. The revised labels now include: Increased warning sign specifications; standardized elements for fumigation logs; removal of all product references of clearance devices from labels; citing the EPA website for structural fumigations for effective clearance device information and registrant stewardship plans; and enhanced aeration requirements for structural fumigations. While these label updates focus on residential structural fumigations, sulfuryl fluoride and all of its registered uses are still undergoing registration review, a process that re-evaluates all pesticides on a 15-year cycle. The remaining registration review risk assessments for sulfuryl fluoride are anticipated to be completed and issued for public comment in December 2024.

Tiffany Green is the fumigant coordinator for EPA.

Workshops for US EPA

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.

In July, EPA did inquire about possible training on commodity applications of sulfuryl fluoride at mills and other storage and treating facilities

Future activities

The committee also plans to meet in 2025 during the mid-year meeting and prior to the board meeting.