



## MEMORANDUM

### Via E-Mail

DATE: November 4, 2009

TO: Clients and Friends

FROM: The Acta Group, L.L.C.

RE: EPA Announces Draft Pesticide Registration Notice Concerning Drift Labeling and Petition Regarding Children's Exposures to Pesticide Drift

Today the U.S. Environmental Protection Agency (EPA) announced the availability of a Pesticide Registration (PR) Notice entitled "Pesticide Drift Labeling" (2009-X) and a draft explanatory document entitled "Pesticide Drift Labeling Interpretation." In a separate *Federal Register* notice, EPA announced that, on October 13, 2009, Earthjustice and Farmworker Justice, on behalf of several other organizations, filed a petition requesting that EPA "systematically evaluate children's exposures to pesticide drift and require interim prohibitions on the use of certain pesticides near homes, schools, and other places where children congregate." The draft PR Notice and related documents are available at <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0628>. Comments on the draft PR Notice and Interpretation are due **January 4, 2010**. The docket for the petition is available on the Internet at <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0825>. Comments on the petition are also due **January 4, 2010**. More information regarding the draft PR Notice and the petition is provided below.

### **Draft PR Notice and Interpretation**

EPA states that its purpose in issuing the draft PR Notice is to provide guidance to registrants and applicants for registration on labeling statements concerning pesticide drift, and to inform the public of EPA's policies with regard to the prevention of pesticide drift. The draft PR Notice proposes labeling statements and formats intended to improve communication of drift management requirements to pesticide applicators, and, as a result, to improve protection of people and other non-target organisms and sites from potential adverse effects that may be



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caused by off-target pesticide drift. The recommended statements should appear on products whose application may result in drift.

The draft PR Notice contains two types of statements: (1) a general drift statement containing a risk-protective standard, which varies according to product type; and (2) examples of product-specific drift use restrictions, along with a format for presenting these statements on product labeling. The draft PR Notice also informs registrants about the procedures they should use to amend their registrations to adopt these statements. EPA states that it “believes the use of these statements and formats on labels will provide users consistent, understandable, and enforceable directions about how to protect human health and the environment from harm that might result from pesticide drift.”

According to EPA, the draft Interpretation provides guidance to state and tribal officials about how EPA intends the new drift labeling statements to be interpreted, as well as typical examples of how the labeling could be interpreted in “real-world” spray drift cases. EPA has also placed a supporting document entitled “Draft PR Notice 2009-X: Additional Information and Questions for Commenters” in the public docket. EPA states that this document contains background information on pesticide drift, and a description of current and planned EPA actions to address drift, including the PR Notice, guidance to state enforcement officials on interpreting the new labeling, information on best management practices to reduce drift, and EPA’s drift reduction technology project. More information is available at <http://www.epa.gov/pesticides/factsheets/spraydrift.htm>.

### **Petition**

The October 13, 2009, petition claims that EPA does not adequately consider the exposures of children to pesticide drift, especially children who live in agricultural areas. The petitioners ask that EPA assess pesticide-specific exposures from drift to children in homes, schools, and other areas in which children congregate; determine if such exposures pose excessive risks; and implement measures to reduce any such risks. The petitioners further request that EPA “immediately adopt specific interim restrictions on certain pesticides used near areas where children congregate.” EPA states in the *Federal Register* notice that, apart from the petition, it is engaged in a number of activities to address pesticide drift, including the development of a PR Notice with guidance on labeling to reduce exposures, including exposures to children. EPA will consider comments received during the public comment period when formulating its response to the petition.

We hope this information is helpful. As always, please call if you have any questions.