



STATE OF VERMONT

AGENCY OF AGRICULTURE, FOOD & MARKETS

July 19, 2004

James J. Jones, Director
Office of Pesticide Programs (7501C)
US EPA
1200 Pennsylvania Avenue, NW
Washington DC 20460

Subject: SFIREG Report
Recommended Changes for Pesticide Disposal Language and Associated Issues

Dear Mr. Jones:

The SFIREG Working Committee for Water Quality and Pesticide Disposal (WQ&PD) is providing to the US EPA a report entitled, EPA Label Review Manual Revision: Pesticide Disposal Language Updates and Other Challenges (enclosed). The report deals specifically with Chapter 13 of the EPA Label Review Manual (LRM) - Storage and Disposal. Included with the report are supporting documents used by the WQ&PD. In the process of reviewing Chapter 13 of the LRM and preparing the report, the WQ&PD also utilized PR Notices PR83-3, PR84-1 and PR2001-6 as the current guidance for disposal statements on pesticide product labels. The WQ&PD also worked constructively with US EPA staff and the National Pesticide Stewardship Alliance (NPSA) in preparing this report.

The WQ&PD initiated this effort in response to an Issue Paper presented by the Idaho Department of Agriculture. That Issue Paper identified inconsistent and contradictory disposal statements on pesticide labels during the course of a pesticide use enforcement investigation. The Issue Paper was submitted to SFIREG in November 2001 and the WQ&PD initiated its work in April 2002.

The report includes specific recommendations which address label language topics related to:

- on-site disposal and open dumping;
- toxicity category hazard statements;
- storage and security directions;
- open burning of containers; and
- product and container disposal or recycling instructions.

SFIREG and the WQ&PD request the following topics be designated as priorities for revising EPA's labeling policies and making the appropriate modifications to Chapter 13 of the LRM:

- 1) re-wording of the instructions and/or limitations for on-site disposal;
- 2) prohibition of open dumping; and
- 3) consistency between active ingredient toxicity and toxicity hazard statements.

The WQ&PD also identified two other important issues requiring prompt review and evaluation by the US EPA, SFIREG and the NPSA:

- 1) an examination and resolution of the apparent jurisdictional and regulatory conflicts between provisions of the Clean Air Act, FIFRA and RCRA related to the open burning of pesticide containers; and
- 2) the need for improved storage and security instructions for pesticides.



116 STATE STREET
DRAWER 20
MONTPELIER, VT 05620-2901

We reference the NPSA as a necessary participant in future discussions on these topics because the work of the WQ&PD has greatly benefited from a new and effective working relationship between SFIREG and the NPSA. We believe the NPSA brings significant experience, knowledge and resources to discussions on these particular topics and can be a primary contributor to drafting revisions to product label language and the guidance in the LRM. Future work on these topics will also require the participation of the SFIREG Pesticide Operations and Management Committee (POM).

The WQ&PD has identified two additional topics that it did not have time to adequately research or develop to include in this report. We request that these topics be considered in future discussions between US EPA and SFIREG:

- 1) modification (restructuring) of the "Storage and Disposal Statement" box on the pesticide product label into two major and separate sections:
 - a) an uppermost section would contain a set of general/universal disposal statements that would be consistent for all products; and
 - b) a lower section, would contain product-specific or use pattern-specific statements; and
- 2) elimination of the current homeowner exemptions related to label statements for pesticide product disposal and pesticide container disposal. The WQ&PD believes that labeling standards for disposal need to be consistent for all pesticide users. This approach would be more consistent with protocols currently being utilized by waste collection facilities for hazardous wastes from both the homeowner and agricultural sectors.

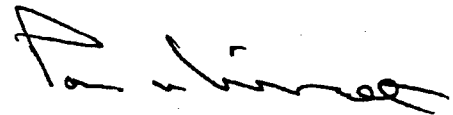
SFIREG is eager to promote a continued collaboration with US EPA to improve the enforceability of pesticide label disposal statements, make product labels more understandable and improve the effectiveness of state and municipal recycling and pollution prevention programs.

On behalf of SFIREG, we appreciate and ask for your prompt consideration of this report and the recommendations offered. We look forward to the opportunity to work with US EPA staff to propose and implement constructive revisions to EPA's pesticide product labeling policies, the guidance presented in the Label Review Manual and the storage and disposal statements which appear on pesticide product labels.

Sincerely,



Jeffrey G. Comstock, Chair
SFIREG Water Quality & Pesticide Disposal Committee



Paul Liemandt, Chair
SFIREG

Enclosures

cc: William Diamond, Director, FEAD/OPP/US EPA
Mary Grodner, Chair, NPSA Board of Directors
Jim Roelofs, SFIREG Liaison, FEAD/OPP/US EPA
Jack Neylan, SFIREG Liaison, OECA/US EPA
Tobi Jones, President, AAPCO
Dave Fredrickson, Chair, SFIREG POM Working Committee
Phil Gray, Executive Secretary, SFIREG/AAPCO