



No. 77

October 6, 2008

Fumigation Changes Coming!!! Urgent Need for Comments

In FFVA's opinion, as currently drafted, the proposed mitigation requirements would preclude the use of these products in many use sites. They do not result in economically viable competitive production practices.

Introduction and Overview

Florida growers who depend on fumigation in their production practices are urged to review and provide the Environmental Protection Agency (EPA or Agency) comments on the Agency's proposed label changes for mitigation to by-stander and occupation exposures during fumigation and during the period that fumigants are off-gassing from the application site. The Agency recently announced in the Federal Register (*FR/Vol. 73, No. 137, Wednesday, July 16, 2008*) the availability of the Reregistration Eligibility Decision (RED) Documents for currently registered fumigant active ingredients; Methyl Bromide, Chloropicrin, Metam-sodium, Metam-Potassium, and Methyl Isothiocyanate (MITC), and Dazomet. In the REDs the Agency identified the specific risk mitigation steps they are proposing to be implemented through label changes and solicited comment on the impact of implementation of the changes. At the request of several grower groups and registrants the initial 60-day comment period was extended for an additional 45 days which ends on October 30, 2008 (*FR/Vol. 73, No. 169/Friday, August 29, 2008*). **It is critically important that any grower who depends on pre-plant soil fumigation as a foundation treatment in their production practices carefully review the proposed changes and provide comment to EPA on these risk mitigation proposals.**

Florida Fruit & Vegetable Association (FFVA) has downloaded and collected the information from the dockets for these products and made them available on its Web site (www.ffva.com). While the proposed label changes included in the REDs are for the products listed above, it is important to note that for 1,3-Dichloropropene which completed reregistration in 1998 and the new active ingredients Iodomethane (Midas®) and Dimethyl Disulfide (DMDS or Palladin®) many of these same changes will be forthcoming with final registration or completion of registration review for these products. The 1,3-Dichloropropene products co-formulated with Chloropicrin will be subject to these changes on the same schedule as Chloropicrin as a stand alone product. The Agency has indicated that registrants will need to complete and provide draft labels for Agency review in early 2009 with a final approval and implementation of the new labeling during the 2010 use season.

The EPA has followed a multi-stage review process including receiving public comment and revising the risk assessments and proposed mitigation steps. The Agency's current request for additional comments during what would typically be closed door negotiations with registrants on the final label language and any additional data development requirements to be requested by the Agency is an acknowledgement by the Agency of the extremely high benefits resulting from the use of these products and their need for additional information to better guide their regulatory process. The Agency is particularly interested in receiving specific information from growers on the impacts, including economics and operations, from the implementation of the proposed mitigation measures.

The Agency reviewed and addressed initial comments its initial review and believes they have provided the flexibility that would allow growers to be able to continue to use these extremely valuable products.

FFVA is encouraging all growers to carefully examine the proposed changes included in the REDs and supporting documentation to determine the specific impacts of the mitigation measures on their farm management practices and effective use of these products. The need is for accurate and documentable information on the cost of implementing the proposed grower responsibilities and any information that would help clarify any additional options that would allow the continued use of those products essential for Florida production.

Any person or group who has already provided comments during the initial review on these mitigation proposals should review the Agency's individual response to your comments as found in EPA's *Response to Phase 5 BEAD Related Public Comments Received on the Reregistration of Chloropicrin, Dazomet, Metam Potassium, Metam Sodium and Methyl Bromide (DP#353940)*, dated June 25, 2008. This document can be found in the references posted to FFVA Web-site. If you do not think the Agency appropriately considered your initial comments, please note that fact, and include any additional information to address the more specific mitigation criteria listed in the current REDs.

In addition to the BEAD Response to Comments, other relevant documents provided by the Agency are available at www.ffva.com on the home page. These documents provide the Agency's rationale and decision making process that led to the proposals contained in the REDs. These include;

- *Review of Stakeholder Submitted Impact Assessments of Proposed Fumigant Buffers, Comments on Initial Buffer Zone Proposal and Case Studies of the Impact of a Flexible Buffer System for Managing By-Stander Risks of Fumigants (DP#353940)*, June 25, 2008
- *SRRD Responses to Public Comments to the Proposed Risk Mitigation Options for Soil, Fumigants*, July 9, 2008
- *Factors Which Impact Soil Fumigant Emissions – Evaluation for Use in Soil Fumigant Buffer Zone Credit Factor Approach (DP#306857)*, June 9, 2008
- *Health Effects Division Recommendations for Fumigant Data to Refine Exposure Assessments (DP#353724)*, July 1, 2008

General Fumigant Comment Areas

The Agency also posted to the regulatory docket and website, guidance for anyone wishing to supply comments for the individual REDs. It is important to note that there are 14 elements that are common to all fumigants proposed for reregistration and would most likely apply to other newly registered fumigants as well.

These elements include the following issue items:

- Buffer Zones
- Posting
- Protection of Handlers
- Tarp Performance and Removal Restrictions
- Entry Prohibitions
- *Restricted Use Classification*
- Good Agricultural Practices (GAPs)
- Fumigant Management Plans (FMPs)
- *Emergency Preparedness and Response*
- Notice to State and Tribal Lead Agencies
- *Soil Fumigation Training for Applicators and Other Handlers*
- *Community Outreach and Education Programs*

The italicized items are primarily the responsibility of the registrants but will impact applicators and their ability to use fumigant products. The major elements that will affect each grower's current practices are the Good Agricultural Practices and the need to implement the Fumigant Management Plans required by the proposed label language changes. Each grower should carefully examine the general issues described for buffer zones, posting, protection of handlers, entry prohibitions, tarp performance and removal restrictions, and grower responsibilities under the emergency response for neighbors and determine how they will impact your operation -- and whether they can be feasibly implemented at all.

EPA's questions concerning the issues listed above can be found in each of the chemical-specific "guide to comments" documents. Although some of the questions are not directed to the grower-applicator stakeholder segment, all of the specific questions are included below:

- **Buffer Zones**

"The Agency is requiring a flexible, scalable buffer approach that is based on application rates and block size that includes buffer reduction credits when certain site or application conditions are met. Comments are welcome on whether the scaled approach is difficult to comply with, and whether a simpler approach would be easier to follow and enforce."

The buffer credits allowed are different for each chemical and are dependent on the available data. EPA is interested in stakeholders identifying additional data on methods, application techniques, or soil conditions which reduce emissions and could be used to expand or refine the buffer credits provided."

- **Posting**

EPA is interested in stakeholder comments on the information to be included on buffer zone posting signs, specifically, is the information appropriate, and whether different information would be equally or more useful in keeping potential bystanders out of buffers and possibly less burdensome.

- **Protection for Handlers**

To protect handlers from inhalation exposure, EPA is requiring a handler air monitoring program to ensure that concentrations of fumigant do not exceed the Agency's level of concern (LOC). EPA is interested in comments from stakeholders on this approach, whether more effective, efficient, or practical alternative approaches exist, and any suggestions on how to modify or improve the monitoring requirements.

- **Tarp Perforation and Removal Restrictions**

There are a number of requirements for tarp handlers to protect them from being exposed to concentrations of fumigant above the Agency's LOC. Some of the requirements prolong the period before tarps can be perforated, describe how to remove tarps, and allow an exception for adverse weather conditions. These requirements add flexibility, but at the same time, they introduce a level of complexity. Stakeholders are encouraged to comment on the level of complexity these restrictions pose to tarp handlers.

- **Entry Prohibitions**

Current labels allow worker reentry into fumigated fields two to five days after applications are complete. EPA is extending the time that agricultural workers (i.e., non-handlers) are prohibited from entering the treated area. The entry prohibited period depends on the method of application, but generally the minimum period for worker reentry will be five days or until after tarps are perforated and removed. This requirement adds flexibility, but at the same time, it introduces a level of complexity for the user. Stakeholders are encouraged to comment on the level of complexity these restrictions pose to handlers.

- **Restricted Use Classification**

The Agency has determined that all of the soil fumigants undergoing reregistration meet the criteria for restricted use. EPA is reclassifying metam sodium/potassium and dazomet as restricted use pesticides since many products containing these soil fumigants have not yet been restricted. All soil fumigant products containing methyl bromide, 1,3-dichloropropene, and chloropicrin are currently restricted use pesticides. Stakeholders who have comments on this requirement should send them in during the comment period.

- **Good Agricultural Practices (GAPs)**

Current fumigant labels recommend practices that help reduce off gassing and improve the safety and effectiveness of applications. The Agency has determined that including certain practices on labels as requirements rather than recommendations will minimize inhalation and other risks from fumigant applications. The Agency welcomes comments from stakeholders if there are additional GAPs that could be added to labels or if there are comments on the GAPs in the RED.

- **Fumigant Management Plans (FMPs)**

EPA recognizes that a significant amount of detail is needed to accurately and completely capture the key steps in planning and executing a safe and effective fumigation, and to verify compliance with detailed label directions. EPA invites comments on whether the information which must be captured in the FMP is appropriate. Are certain important elements missing? Are some elements unnecessary? And are there ways the information could be streamlined?

- **Emergency Preparedness and Response**

EPA requests input from stakeholders who have experience conducting air monitoring and using air monitoring devices on whether more effective, efficient, or practical alternative approaches exist. What frequency and duration of sampling is appropriate?

With regard to providing emergency response information to neighbors, EPA understands that it may be difficult to know what language each person who must receive information understands, or whether they are able to read information if provided in writing. Therefore, EPA has not specified that the information be provided in a specific language, only that it be provided in a manner that the recipients of the information will understand. EPA seeks input from stakeholders, particularly enforcement personnel, on whether this approach will be effective and enforceable.

EPA is interested in comments from fumigant users, researchers, and equipment manufacturers about the extent to which mechanical devices are available or under development that can both monitor air concentrations and also notify the person responsible for the fumigation when air concentrations approach levels of concern. Such devices are routinely used to monitor environmental conditions in laboratories, and could represent an effective alternative to posting a person on site.

EPA is interested in comments from state and/or local officials about the extent to which first responders are currently receiving information on soil fumigants and recognizing exposures, and appropriate steps to take to mitigate the exposures and address the source of the exposure. In California, for example, where soil fumigation is common in many areas, the state administers training and education for first responders to help raise awareness and improve skills in responding to incidents. Thus, if registrants can document that an effective state program is already in place, additional training of first responders would not be required.

EPA's decisions provide some flexibility to users, and encourage practices which reduce emissions and resulting buffer distances. EPA is interested in stakeholder comments on implementation aspects of the decision to scale the size of the area in which people need to be provided emergency response information (if users choose not to monitor the buffer perimeter).

- **Notice to State and Tribal Lead Agencies**

Assuring compliance with new label requirements is an important component of the fumigant risk mitigation package. Notice to enforcement officials allows them to target inspections around periods when fumigations are expected to occur to ensure label requirements designed to mitigate risks of concern for bystanders, handlers, and workers, have been followed and that the conditions for the fumigation have been documented in the FMP. The Agency is specifically interested in comments from state and tribal enforcement personnel on the implementation of this requirement.

- **Soil Fumigation Training for Applicators and Other Handlers**

EPA is requiring fumigant registrants to develop and implement training programs for applicators in charge of soil fumigations on proper use and good agricultural practices so they are better prepared to effectively manage soil fumigation. The registrants also must prepare and disseminate training information and materials for fumigant handlers (those working under the supervision of the certified applicator in charge of fumigations). The Agency is asking for input during the post-RED comment period from states, user groups, registrants, and other stakeholders on content and how best to implement training programs.

- **Community Outreach and Education Programs**

EPA is requiring fumigant registrants to develop and implement community outreach and education programs, including programs for first responders, to ensure that information about fumigants and safety is available within communities where soil fumigation occurs. Outreach and information will address the risk of bystander exposure by educating community members about fumigants, buffer zones, how to recognize early signs of fumigant exposure, and how to respond appropriately in case of an incident. The Agency is asking for input during the post-RED comment period from states, tribes, user groups, registrants, communities, public interest groups, and other stakeholders on content and how best to implement the community outreach and education programs.”

The EPA also published a set of fact sheets on several of these issues that were added to the docket at the time the Comment period was extended. The fact sheets are also posted at www.ffva.com and include the following issues:

- *Buffer Zone Fact Sheet, August 19, 2008*
- *Posting Fact Sheet, August 19, 2008*
- *Worker Protection Measures Fact Sheet, August 19, 2008*
- *Fumigant Management Plans and Post-Application Summary Reports Fact Sheet, August 19, 2008*
- *Emergency Preparedness and Response Fact Sheet, August 19, 2008*

Chemical-Specific Comments

As you develop any responses to the Agency, chemical-specific requirements need to be considered for the fumigants, as you currently use them for your unique circumstances. These requirements for each fumigant are found in the chemical specific. Most of the critical information is found in the proposed label changes located at the end of each RED. The Minor Crop Farmer Alliance hosted a meeting with the Methyl Bromide Industry Panel, the Chloropicrin Manufacturers Task Force, the Metam Alliance, USDA and EPA on Tuesday September 16, 2008 to discuss the key issues for each of the included fumigants and concerns with the REDs as currently published. The information provided by the registrants at that meeting is included in each section of the chemical specific discussions below. A PowerPoint presentation that describes the common concerns expressed at the meeting and questions raised to the Agency is posted on www.ffva.com and is titled:

- *EPA Fumigant Risk Assessment Meeting, MCFA Fumigant Comments Work Shop, September 16, 2008*

One of the major concerns expressed at that meeting and in the documents provided is the very sophisticated and complex mitigation process to design to deal with what has been described as a very rare and infrequent event. Most exposure issues across the spectrum of fumigants have been the result of application or application error and/or extremely adverse and uncommon weather conditions that caused the lack of dispersion of the fumigant as its off-gasses from the application sites. One of the major policy questions to be answered is whether the proposed mitigation requirements match the severity of the problem as defined in real world exposure scenarios. The Agency has acknowledged the need for additional exposure and emissions information to better capture the data needed to both define the site specific factors to determine risk and also to provide potential offsets to the proposed mitigation steps – especially in the size of buffers and resulting notification areas.

If, as a grower and applicator, you have facts that would further define the nature of the risk at your specific location and for your application practices. It is important to provide this information during the comment period. If off-site movement concerns have been raised in connection with applications on your farm and you can describe how it occurred, this information would help limit the risk mitigation to those areas that are of particular importance.

Please keep these issues in mind as you review the impacts to your operations. Each of the individual active ingredients for which specific comments are requested is synopsized below:

Chloropicrin

Reregistration Case Number: List [A]: 0040
Regulatory Docket Number: EPA-HQ-OPP-2007-0350
EPA Chemical Review Manager: Andrea Carone

Documents:

- *Reregistration Eligibility Decision (RED) for Chloropicrin, July 9, 2008*
- *RED Fact Sheet: Chloropicrin, July 10, 2008*
- *Commenter's Guide for Chloropicrin, Docket # EPA-HQ-OPP-2007-0350, July 16, 2008*
- *Chloropicrin Manufacturers Task Force, Presentation to MCFA Fumigant Comment Work Shop, September 16, 2008*

Chloropicrin is one of the lynch pins in this risk assessment process as it is co-formulated or used together with most of the other fumigants being considered at this time. This compound is primarily used in soil fumigation applications for the plant disease control it provides. It also has herbicidal and nematocidal properties. It is added to many of the other fumigants as a marking agent due to its characteristics of eye irritation that encourages anyone exposed to the compound to leave the exposure area. The primary risk being addressed by the RED is acute inhalation exposure. The Agency's documents suggest that even at typical use rates, off-gassing of the fumigant can result in unacceptable exposures at some distance from application sites.

A key component for the risk assessment is a human study that demonstrates that the most sensitive individuals can detect chloropicrin at levels as low as 0.15 ppm after 20 to 30 minutes of exposure.

For those growers currently using Chloropicrin in their fumigation programs either as a stand alone product or in combination with other fumigants need to carefully consider the impacts of implementing the proposed label changes found on Pages 92 – 123. Particular attention should be paid to the Fumigant Management Plan section and the Good Agricultural Practices section. It is also important to consider the buffer zone, notification procedures and changes to the occupational protection procedures described in the label language.

Where this product is co-applied or used in combination with other products, you may need to consider the chemical-specific requirements for the companion compounds to determine if they have the same criteria of use. If not, these factors need to be brought out. As you determine the buffer zones required for any particular application, it also is important to look at the use rates for each compound to determine the largest buffer required.

Site-specific conditions that influence the ability to use products as a result of buffer considerations (and the accompanying notification or monitoring conditions) also are important. In many cases the Agency is anticipating that individual farms will be split into subunits for fumigation to decrease the size of buffer zones for any individual application.

Methyldithiocarbamate Salts – Metam Sodium/Potassium and MITC

Reregistration Case Number: List [B]: 2390 and 2405
Regulatory Docket Number: EPA-HQ-OPP-2005-0125
EPA Chemical Review Manager: Dirk V. Helder

Documents:

- *Reregistration Eligibility Decision (RED) for Methyldithiocarbamate Salts (Metam-Sodium, Metam-Potassium) and Methyl Isothiocyanate (MITC), July 9, 2008*
- *RED Fact Sheet: Methyldithiocarbamate Salts – Metam Sodium/Potassium and MITC, July 10, 2008*
- *Commenter's Guide for Metam Sodium, Metam Potassium and MITC, Docket # EPA-HQ-OPP-2005-0125, July 16, 2008*
- *The Metam Sodium Alliance, Presentation to MCFA Fumigant Comment Work Shop, September 16, 2008*

Dazomet

Reregistration Case Number: List [B]: 2135
Regulatory Docket Number: EPA-HQ-OPP-2005-0128
EPA Chemical Review Manager: Cathryn O'Connell

Documents:

- *Reregistration Eligibility Decision (RED) for Dazomet, July 9, 2008*
- *RED Fact Sheet: Dazomet, July 10, 2008*
- *Commenter's Guide for Dazomet, Docket # EPA-HQ-OPP-2005-0128, July 16, 2008*

Metam-Sodium, Metam-Potassium and Dazomet all have pre-plant soil uses and share the common toxicological end point of reversible eye irritation. The end point was selected from an animal study with a No Observable Effect Level of 220 ppb. With a 10X uncertainty factor the maximum exposure level for the by-stander and occupational exposure was 22 ppb. Again the modeling was done using PERFUM. In Florida the primary fumigants of concern are Metam Sodium and Metam Potassium. The other products have limited use with the exception of turfgrass uses of Dazomet.

Growers using Metam-Sodium or Metam-Potassium for fumigation as a stand-alone product or in combination with other fumigants need to carefully consider the impacts of implementing the proposed label changes found on pages 99-131 of the RED. Particular attention should be paid to the Fumigant Management Plan section and the Good Agricultural Practices section. It is also important to consider the buffer zone, notification procedures and changes to the occupational protection procedures described in the label language.

Where this product is co-applied or in combination with other products you may need to consider the chemical-specific requirements for the companion compounds to determine if they have the same criteria of use. If not, these factors need to be brought out. As you determine the effect of the buffer zones required for any particular application, it also is important to look at the use rates for each compound to determine the largest buffer required.

Site specific conditions that influence the ability to use products as a result of buffer considerations (and the accompanying notification or monitoring conditions) are also important. In many cases the Agency is anticipating that individual farms will be split into subunits for fumigation to decrease the size of buffer zones for any individual application.

Methyl Bromide

Reregistration Case Number: List [A]: 0335
Regulatory Docket Number: EPA-HQ-OPP-2005-0123
EPA Chemical Review Manager: Steven Weiss

Documents:

- *Reregistration Eligibility Decision (RED) for Methyl Bromide, July 9, 2008*
- *RED Fact Sheet: Methyl Bromide, July 10, 2008*
- *Commenter's Guide for Methyl Bromide (soil and Non-food Structural Uses), Docket # EPA-HQ-OPP-2005-0123, July 16, 2008*
- *Methyl Bromide Industry Panel, Presentation to MCFA Fumigant Comment Work Shop, September 16, 2008*

Methyl Bromide is registered for use as a broad spectrum soil fumigant with activity against a variety of pests including spiders, mites, fungi, plants, insects, nematodes, rodents, and snakes. The Agency has determined that methyl bromide is eligible for reregistration for preplant soil treatment for uses that currently qualify for exemptions under the Montreal Protocol, provided that risk mitigation measures in the RED are adopted. The risk of concern is the direct exposure of methyl bromide through inhalation. The toxicological end point is based on non-reversible acute inhalation study done on rabbits. The allowable exposures are 10 ppm (24 hour time weighted average) for by-standers and 30 ppm (8 hr time weighted average) for occupational exposure.

Growers using methyl bromide in their fumigation programs as a stand-alone product or with other fumigants need to carefully consider the impacts of implementing the proposed label changes found on pages 88-112 of the RED. Particular attention should be paid to the Fumigant Management Plan section and the Good Agricultural Practices section. It is also important to consider the buffer zone, notification procedures and changes to the occupational protection procedures described in the label language.

The Agency has also clearly identified additional studies that are needed to define any additional offset to buffer zones based on flux measurements for different plastic tarps and uses rates. The RED also mandated reduction in maximum use rates for most crops and prohibits use of the 98:2 formulation in most crops except nursery and ornamental uses. The "hot gas" application is limited to ornamentals.

While methyl bromide continues to be the fumigant of choice for many growers the continued downward pressures on quantities allowed under the Montreal Protocol makes the data generation requirements for this product especially problematic.

Where methyl bromide product is co-applied or used with other products you may need to consider the chemical specific requirements for the companion compounds to determine if they have the same criteria of use. If not, these factors need to be brought out. As you determine the buffer zones required

for any particular application, it also is important to look at the use rates for each compound to determine the largest buffer required.

Site-specific conditions that influence the ability to use products as a result of buffer considerations (and the accompanying notification or monitoring conditions) are also important. In many cases the agency is anticipating that individual farms will be split into subunits for fumigation to decrease the size of buffer zones for any individual application.

Grower Comment Letters

FFVA is requesting that any grower who uses any of the referenced fumigants submit comments as to how the proposed mitigation requirements would impact their operation and more importantly the economic cost and practicality of the requirements. While the complexity of the potential requirements are daunting, it is essential that as many growers as possible take a comprehensive look at their operation and describe how it would be impacted if the proposed requirements are adopted in the final labeling.

FFVA will develop and submit extensive comments regarding the appropriateness of the proposed requirements as well as information on on-going and planned research to address some of the requested data for some of the fumigants. FFVA also plans to submit a recommendation that the proposed label-imposed FMPs and GAPS be scrapped in favor of a coordinated and collaboratively developed certification and training program that involves EPA, USDA, Registrants, Applicators, and Growers during the development process. The common elements can then be supplemented for fumigant-specific requirements that can then be tailored to site specific conditions and requirements. The Agency has indicated willingness to moderate requirements where appropriate, if the Agency is provided specific information or recommendations about how to accomplish risk reductions that are indicated in the REDs.

While it would be extremely easy to just say the Agency is in left field and suggest that all of their proposals are off base, the Agency has considered all of the information it received in response to the earlier notice and comment period on all of the mitigation steps proposed in these documents. The earlier information request was not provided in sufficient detail to project the magnitude and complexity of the impacts that appear to accumulate through implementation of the currently proposed label changes.

Basic Instructions:

Comments must be submitted on or before Thursday, October 30, 2008.

Comments can be submitted directly to EPA's Regulatory Docket by E-mail, US Mail or Courier Service to one of the following Addresses:

- Federal eRulemaking Portal:

<http://www.regulations.gov>. On-line instructions are provided once you log on

- Mail:

Office of Pesticides Programs (OPP) Regulatory Public Docket (7502P)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

- Delivery:

OPP Regulatory Public Docket (7502P)
Environmental Protection Agency, Rm. S-4400
One Potomac Yard (South Bldg.)
2777 S. Crystal Drive
Arlington, VA

The comments will need to include the Docket Identification Number for each of the specific fumigants addressed in the comments.

We are also recommending that copies of any comments submitted be sent to the USDA's Office of Pest Management Policy, and each of the industry coordinating groups for the individual active ingredients covered by your comments. FFVA would also appreciate receipt of your comments. You may also want to send a copy of your letter the chemical review manager identified in the initial FR Notice.

Basic Comment Letter Structure:

The following template includes recommended information to be included in each paragraph. **It is not a cut and paste document.** Comments have more impact if completed on individual farm letterhead and signed by a principal for the operation.

The letter below is addressed as if it will be hand delivered by courier. Please see the above instructions if other delivery methods are used.

Via Federal Express

OPP Regulatory Public Docket (7502P)
Environmental Protection Agency, Rm. S-4400
One Potomac Yard (South Bldg.)
2777 S. Crystal Drive
Arlington, VA

**RE: Comments to Reregistration Eligibility Decision for Chloropicrin (EPA-HQ-OPP-2007-0350),
Comments to Reregistration Eligibility Decision for Dazomet (EPA-HQ-OPP-2005-0128),
Comments to Reregistration Eligibility Decision Document for Metam Sodium/Potassium (EPA-HQ-OPP-2005-0125), and,
Comments to Reregistration Eligibility Decision Document for Methyl Bromide (EPA-HQ-OPP-2005-0123)**

Dear Sir or Madam:

Introductory Section

< Introductory paragraph that includes basic information on the location and history of your farming operation, the crops grown, seasonality of production and the importance of fumigants in your operation.>

<Any specific information relative to your use of fumigants, i.e., typical rates and formulations practices that are required on your farm, land prep or planting window issues with fumigation timing that impact your decision process, the typical fumigation process followed, and descriptions of efforts you have already made to reduce the impacts of fumigants.>

<General discussion of impacts to your farm, description of economic impacts, general management changes that would be required, and discussion of general implementation issues.>

<Any discussion of your history of fumigant use in relation to the level of risk identified by the Agency, any proposals you may have to provide a level of assurance that off-site risks have been addressed.>

Questions in the Guide for Commenters

Address with comments as appropriate for your specific situation (specific fumigant, rates, application methodology, farm location, size and proximity to roads, structures, sensitive sites. To guide the impact assessment your need to consult the specific label language changes in the REDs for those fumigants you use). The most important issue areas where grower comments are needed include the following:

- **Buffer Zones**

<Characterize the changes buffer zones will require if you continue to fumigate under your current management scheme. Characterize the buffer zones required to fumigate your farm (or a typical farm if you have multiple locations). If under new requirements you would be unable to fumigate the whole area it is important to note the impacts of the inability to overlap adjacent buffer zones during the 48 hours of prohibited reentry for buffer zones.

The potential for buffer credits, if certain practices are followed, has been identified as a major aspect of the flexibility the Agency claims as part of these regulations. Use the EPA fact sheet to determine if these credits can be applied on your farm and describe the complexity required to determine the buffers and any credit that might accrue.>

- **Posting**

<Use the EPA fact sheet to determine the amount of posting required for your operation and describe the changes in management of the fumigation process that may be required under the proposals. The Agency would also like comments on whether the proposed information required for the two types of

postings is appropriate. Depending on the fumigant used these information signs either must be provided by the registrant or made available by the registrant.>

- **Protection for Handlers**

<The proposed regulations will make everyone in the field at the time of application a handler. Please describe the increased costs in training and management associated with this requirement. Each fumigant also has differential PPE requirements based on site monitoring during the application process. This would require monitoring of air quality in the breathing zone of a typical handler starting 30 minutes after the application period starts and each hour or every two hours during the application period. The monitoring equipment is one-time use equipment and requires special handling to provide accurate readings. The owner is also required to provide annual respirator training and medical certification for all handlers>

- **Tarp Removal and Perforation Restrictions**

<Describe the current practices related to your management program for scheduling transplanting and other field operations related to crop production after fumigation has taken place. It is important to note the absolute prohibition of any activity that would perforate or otherwise allow contained gasses to escape for five days after application. A 24 hour waiting period post hole-punching must be observed prior to hand transplanting for activities before 14 days post application. If climatic conditions during your fumigation and transplant season cause issues with this requirement it is important to note those concerns.>

- **Good Agricultural Practices**

< The agency has proposed specific Good Agricultural Practices as label requirements in each of the fumigant REDs. You need to examine the practices that are dictated for the fumigants that you use and describe what if any impact the change for recommended practices to required practice would have on your operation. If there are additional factors that you feel should be examined for inclusion as options in this area please provide those as well as any documentation as to the impact on off-gassing.>

- **Fumigant Management Plans**

<The development and maintenance of management plans represent a whole spectrum of complexity and additional management time for fumigation operations. While many of the common elements contained in the proposed fumigation plans represent what would be standard practice the need to document and maintain the records at the detailed level proposed in the individual fumigant REDs goes beyond any similar requirements for other risk-based plans. The fact that these plans have to be completed and submitted to the State Lead Agencies creates a significant burden for the regulatory agency responsible for receipt of this information. The additional requirement for a post-application report also adds to the burden of this request. Growers are requested to provide an indication of the time needed to complete and provide oversight for development of these plans.>

- **Emergency Preparedness And Response**

<The notification requirement for persons outside of the buffer zones but within certain distances determined by the actual buffer zone creates a new burden for applicators (and property owners). The

requirement to provide notification of specific information prior to application or upon detection of quantities of fumigants in air monitoring required in lieu of the prior notification creates a tremendous potential for the creation of issues where none existed in the past. Each grower is encouraged to comment on the potential impact of this requirement. The Agency is also requesting specific comments on the contents of the information to be delivered to the potentially impacted party.

The ability to offset this requirement through air monitoring needs much more clarification. It is important for growers to identify the ambiguity in the proposed label language as to the specific monitoring sites and requirements. The cost and maintenance of such a program should also be detailed. Samples are required starting 30 minutes after the initiation of the fumigation application and hourly for the 48 hour prohibited reentry period.>

Chemical Specific Comments

For any of the chemical specific issues raised in the guide for comment section relevant fumigants, the grower is encouraged to provide direct comment on issues for which there is supporting information.

<This section would include information on the appropriateness of the types of PPE changes for each of the fumigants, problems with any apparent conflicts that arise when products are co-applied or co-formulated. Growers should express concerns over specific buffer distances dictated by specific production practices. Concern over reductions in maximum use rates for certain of the fumigants or removal of crops from labels where the need still exists for use of the product. Any other major issues the grower has over the process or requirements should be included in this section.>

Conclusions

<The grower should reinforce the potential impacts of the proposed changes and thank the Agency for the opportunity to provide comments. It always helps to express the desire to work with the agency to seek solutions to the problems identified or in the development of data to refine the specific efforts that are needed.>

Sincerely yours,

Principal, XYZ Farms, Inc.

cc: <Appropriate Chemical Review Managers>
<Appropriate Registrant Task Force>
Dr. Allen Jennings, USDA Office of Pest Management Policy
Mr. Daniel A. Botts, FFVA

If you have questions, please contact the Environmental and Pest Management Division for further information at (321) 214-5200.