

Greenhouse Policy

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from Oct. 27-28, 1997 WC/17084

a case-by-case basis depending on the circumstances. Flaherty asked if any compliance assistance material would be useful here. Jones suggested that the OC Homepage and the Agriculture Compliance Assistance Center in Kansas City might both be useful. She also noted there was frequently in CA a third party involved, i.e. a consultant. White then appointed Tim Creger, NE, who had originally raised the subject but could not be present at the WC meeting, as liaison with OC on the issue. Flaherty suggested that OC do something for its Homepage, and said she would discuss the matter with Gerry Stubbs. Jones asked that RD's Labeling Unit be provided with a copy of Stubbs' 1990 memo (see ATTACHMENT I), and Jim Tompkins said he would do this.

ACTION ITEM: White summed up, noting that OC would clarify its policy on enforcement of post-application label requirements, and then put this information on its Homepage.

XV. Crop Rotation Restrictions

Chuck Andrews said he and Jack Peterson were working on a draft of proposed language governing crop rotation restrictions, and would contact Rame Cromwell of RD's Labeling Unit regarding the proposed language. Andrews summarized the two reasons for plantback restrictions: 1. Phytotoxicity; and 2. Potential Residues. He would like to see identified on the label the reason why any plantback restriction has been included. CA is suggesting that any phytotox restriction be advisory, with the grower responsible if there is any damage to the next crop. This approach would leave it up to the grower to make his own decision, and would not require any SLA enforcement effort. Concerning residues, there is a need to deal with this as an enforceable restriction, but the label should state why it contains the plantback restriction. The question of timing is also important. From the grower/SLA perspective, if the restriction extends more than one calendar year, it is difficult to enforce (it was noted that in CA there is much land leased on a short term basis, which makes tracking for enforcement purposes impossible over the longer run). Andrews said it was important to have a plantback restriction if specific crops were listed on the label, because the restriction would never end for crops not on the label. CA would like to see a 'default value', hopefully a one-year time frame, in order to allow any other crop to be planted. Flaherty said she appreciated CA's comments, and hoped OPP would take note of them. Phil Errico, RD Herbicide Branch, noted that registrants were now submitting data on rotational crop requirements which, once these data were reviewed and recommendations made, should alleviate the situation. Andrews said that CA would like to see consistency in the way crop restrictions are carried out on labels; there should be guidance issued to RD Product Managers (PMs), rather than policy statements issued to the field. Bob McKenna, Armed Forces Pest Management Board, asked SLAs to let him know at 301-295-7476 if they encountered problems with any DOD use of pesticides.

XVI. Office of Pesticide Programs (OPP) Update

Roelofs mentioned three items: 1. OPP hopes by Nov 7 to have Section 18 exemption requests listed by chemical in alphabetical order on its Homepage; 2. Jim Downing, RD Labeling Unit, would like to meet with SLA reprs. whenever there is a SFIREG or SFIREG WC meeting; and 3. OPP is in transition again, with Steve Johnson the current Acting Office Director and the Deputy Office Director position being rotated among Division Directors.

XVII. Policy Regarding Pesticides Used in Greenhouses (see ATTACHMENT J for a SFIREG Issue Paper with this title, plus assorted other documents)

White summarized the documents dealing with this issue. Jim Tompkins said OPP's policy in this area was in flux. Previously, some PMs had required greenhouses to be listed on labels where pesticide use was intended therein, but others had not. It had been decided to have BEAD find out if industry would be crippled if greenhouses were required to be listed on labels; the answer had been 'no', industry would not. Now, RD is preparing a draft PR Notice which will require greenhouse sites on labels where such use is intended. Until this Notice is finalized and takes effect, the old policy, which is that listing of greenhouses on labels is not required, prevails. Flaherty said she supported OPP's future position of requiring greenhouses on the label. One issue concerns WPS labeling, which must be on all indoor uses including greenhouses. There is a need to review individual labels to see if greenhouse use is inconsistent with WPS labeling. There are different data requirements for indoor use, and thus a different site may result if greenhouse use is permitted. Some labels are not clear. Some have indoor and outdoor uses, so there is an assumption that such pesticides may be used in greenhouses.

The question arose as to definition of the term 'greenhouse'. Barry Brennan noted there were no 'greenhouses' in HI, only shadehouses. Andrews said this question should be looked at closely in the new PR Notice; WPS guidance is not sufficient. He would like SLAs to have input in this area.

Andrews said it was necessary for WC members to take a deeper look at field situations, and then return later to discuss the issue (it was noted that in CA, some greenhouses are larger than one acre). Flaherty said OC was not at the point where it could accept reliance on enforcement discretion on the greenhouse issue. Even tho Jack Neylan's memo comes down hard on the issue (see **ATTACHMENT J**), there still needs to be a case-by-case review with the label. Andrews asked for an interim EPA policy statement until the PR Notice comes out because Flaherty was saying something different than what was in Neylan's memo. Flaherty said she would prefer to work with OPP to fix the issue rather than issue an interim policy, inasmuch as OPP is already moving on the PR Notice. Fred Fries, Dillon Floral Corp., urged the use of common sense in order to enable growers to maintain a number of pesticides in use for purposes of preventing development of resistance. Another stakeholder, Lin Schmale, Society of American Florists, supported Fries' position, and urged EPA not to require greenhouse use on the label. This would result in a smaller number of available pesticides, with increased resistance resulting.

The issue of additional data requirements for greenhouse uses arose (OPP does not now require any additional type of data for such use), but Tompkins does not foresee any specific greenhouse data requirements being imposed by OPP. He said RD would be reviewing its files in connection with the greenhouse use issue. **ACTION ITEM:** Tompkins will send a draft of the PR Notice to SLAs for review, plus the OPP position on no additional data being necessary for greenhouse use.

XVIII. Worker Protection Standard (WPS) Language on AZTEC Insecticide

Cathy Kronopolus, OPP/FEAD, gave the background, noting that the big lesson coming from the AZTEC situation was that Restricted Entry Intervals (REIs) should always be on the label, even if they were zero. EPA does have the authority to set final REIs of zero. Usually industry comes in with a request for a change in the REI based on new data. The question to be answered is: if there is exposure, is there risk? In the case of AZTEC, the answer is 'no'. White noted the need for a response to the Sept. 17 Idaho letter (see **ATTACHMENT K** for a copy of this, together with