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## SCPA seeks congressional help on pesticide rules

Jun 4, 2010 11:23 AM, By Forrest Laws, Farm Press Editorial Staff

Congress should take steps to ensure the Federal Insecticide, Fungicide and Rodenticide Act or FIFRA is given priority when the Environmental Protection Agency begins enforcing new spray drift and NPDES permit regulations.



FORREST LAWS, left, Farm Press Publications; Brent Sutton, Growers Fertilizer Corp., Lake Alfred, Fla.; Rep. Gus M. Bilirakis, R-Fla.; Mary Hartney, Florida Fertilizer and AgChem Association, Winter Haven, Fla.; Marshall Frasier, Triangle Chemical Co., Haines City, Fla.; and Mike Roberts, AgraQuest, Winter Haven, Fla., talked during a visit to the congressman's office on Capitol Hill.

That's the message 43 representatives of the crop protection industry delivered during a series of meetings with members of the Senate and the House of Representatives and their staffs during the Southern Crop Production Association's annual visit to Capitol Hill.

EPA has been working on new rules for avoiding spray drift from pesticide applications commonly performed by hired personnel and for obtaining permits for spraying pesticides to, over or near water. A draft NPDES permit system, required by a ruling of the Sixth Circuit Court of Appeals in *National Cotton Council v. EPA*, was due at the end of May.

□ Spray drift is already accounted for in EPA's registration process, □ said Ed Duskin, executive vice president of the Southern Crop Production Association who coordinates the annual Capitol Hill visits by members of the organization.

□ In meeting FIFRA's requirement that pesticide use not pose an □ unreasonable adverse effect □ on people, wildlife or the environment, EPA's registration process evaluates the results of 120 different scientific environmental and safety research studies that take up to nine years and \$184 million to conduct. □

EPA and state pesticide policies have long acknowledged some small level of pesticide risk is unavoidable and, when used according to the product label, does not pose and unreasonable adverse effect.

□ When it is determined that certain uses of a product could cause an unreasonable adverse effect, restrictions are placed on the use of the product to meet the standard, □ says Duskin.

□ Unlike this FRFRA risk standard set and repeatedly confirmed by Congress, EPA's newly proposed spray drift policy adopts a precautionary principle approach and effectively replaces FIFRA's risk-benefit standard with a new zero-risk standard. □

EPA plans to apply its new spray drift language to commercial and noncommercial pesticide uses commonly performed by hired personnel, including those for orchards, vineyards, farms, forests, golf courses, parks, roadway and other rights-of-way and residential lawns and gardens.

□ EPA's enforcement guidance for the new spray drift FIFRA label language would force states to become assessors of theoretical risks and applicators to risk lawsuits every time they go to work, □ said Duskin. □ EPA's proposed spray drift language will do nothing but spawn lawsuits. □



SCPA representatives asked congressional staffers to urge EPA to maintain the FIFRA risk-based standard of □ no unreasonable adverse effects □ and remove references to □ could cause □ or □ may cause □ adverse effects or harm from the drift regulations. They also asked EPA to:

□ Continue to acknowledge that some small level of pesticide drift is unavoidable in many

Hill in mid-May.

situations and does not pose an unreasonable adverse effect.

- Acknowledge that simply detecting an off-target pesticide does not necessarily pose an unreasonable adverse effect and is not a violation of FIFRA that requires and enforcement action.
- Remove the new hazard-based standard of harm from the Drift Pesticide Registration Notice.
- Do not impose unnecessary buffers that would reduce cropland available for American agriculture.
- Develop a bystander risk assessment exposure scenario for the pesticide registration process.
- Develop risk-based tolerances for non-target property.

SCPA representatives said they received a good reception to their requests on EPA's spray drift and NPDES permit language in most of the congressional offices they visited. Members of the SCPA teams also discussed changes to the Endangered Species Act and chemical site security rules issued by the Department of Homeland Security.

Most seemed to listen to what we were saying and to express some sympathy for our position,  said Marshall Frasier, a representative of Triangle Chemical Co., in Haines City, Fla.  That's much better than previous years when some congressional members told us they would vote against our positions.

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