

National Agronomic Environmental Health & Safety School

Keynote Address
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CropLife America

Bloomington, Ill.
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Pesticide NPDES Permitting Consequences

- The number of CWA permitted entities is expected to double due to the many businesses and public entities affected.
 - New requirements for; monitoring, surveillance, planning, recording, reporting – adds time and resource cost.
 - Legal risk for public and private permit holders.
- CLA is working to ensure that ability to use vital public health tools is not unduly hampered by regulatory requirements

Spray Drift

- EPA seeks a workable legal label requirement regarding drift that provides:
 - freedom to operate within FIFRA risk standard of not posing an unreasonable risk of adverse effect to man or the environment
 - language that is clear and easily interpreted by compliance officers and operators
- Implications of terminology used need to be carefully considered
- CLA supporting research in drift reduction technologies and underlying science



Endangered Species Act (ESA)

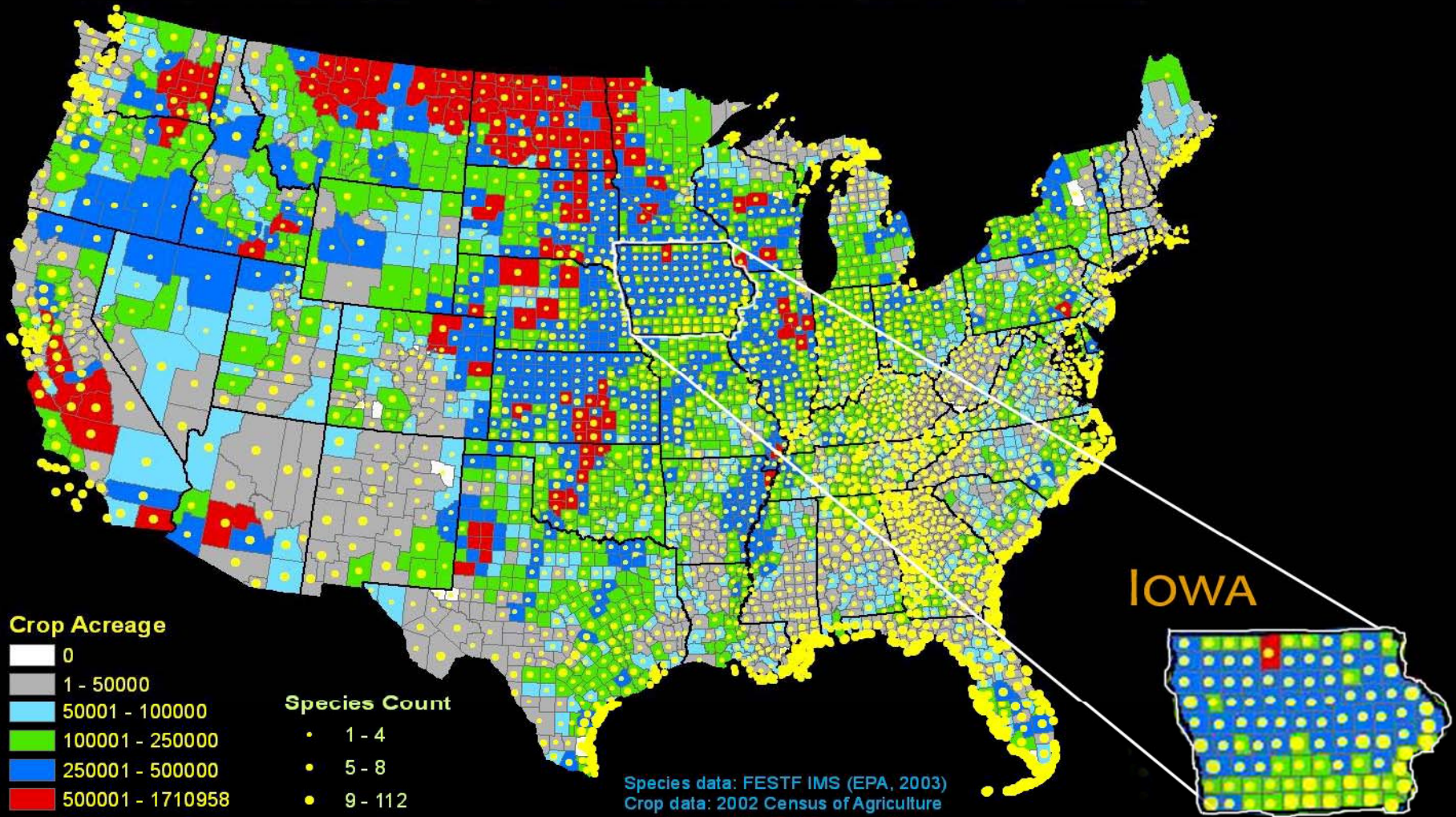
- Pesticide products help maintain habitat for endangered species by controlling the growth of harmful weeds that invade their habitat
- Delaying registration or re-registration of pesticides that are useful in habitat preservation negatively impacts the very species that the ESA is intended to protect

Endangered Species Act (ESA)

- **ESA is over-arching legislation**
 - All federal agencies must ensure their actions will not jeopardize to continued existence of any species or adversely affect critical habitat.
 - ❖ This includes pesticide registration actions by EPA under FIFRA
 - ❖ EPA must consult with Services
 - Fish and Wildlife Service, terrestrial and freshwater species
 - National Marine Fisheries Service, marine or species that spend a portion of their lives in the ocean
- **Agencies can be sued for not meeting obligations under ESA**
 - This is exactly what happened



Threatened & Endangered Species Presence With Respect to Crop Acreage



Endangered Species Act (ESA)

- Court decision has created a void
 - Existing agreement regarding acceptance of EPA Office of Pesticide Programs (EPA OPP) regulatory decisions by Services was thrown out
 - EPA OPP actions are susceptible to legal challenge by activists – several lawsuits subsequently filed
 - Ad hoc consultations to address lawsuits have been protracted due to:
 - ❖ divergent opinions between EPA and Services scientists
 - ❖ a lack of expertise and resource in Services to address OPP risk decisions
- There is a need to revamp and streamline the consultation process for FIFRA actions

Clean Water Act (CWA)

- Court action re-interpreting the CWA
 - Threw out a 38-year precedent of primacy of FIFRA
 - Similar to other point source discharges, compliance with law now requires National Pollutant Discharge Elimination System (NPDES) permits for applications of pesticides over or near water for control of:
 - ❖ mosquitoes,
 - ❖ black flies,
 - ❖ invasive aquatic weeds or animals,
 - ❖ Algae,
 - ❖ other pests

Child Labor in Agriculture

- FIFRA assures safety to humans and environment
 - CLA has and continues to support EPA's ongoing efforts to ensure protection of the health and safety of agricultural workers, and children of workers. However, CLA has significant concerns regarding the proposed "Revised Risk Assessment" policy issued Dec 2009/Feb 2010 that includes a provision for an additional 10-fold safety factor.
 - The pesticide registration standard under FIFRA indicates that a pesticide not cause "any unreasonable risk to man or the environment, taking into account the [pesticide's] economic, social, and environmental costs and benefits..." (7 U.S.C. § 136(bb)).
 - The proposed policy challenges the primacy of FIFRA (in favor expanding FQPA).
 - This proposal implies that occupational and bystander exposures, including children, is a significant issue that is not being addressed by current risk assessment methods, and that a significant incidence of non-compliance exists with respect to the Federal Labor Standards Act.



Child Labor in Agriculture

- No children under 12 are doing field work
 - EPA has stated 'there is plenty of evidence on the internet' of children working in fields
 - Informal survey by CLA finds no evidence

CLA is developing a white paper and will be issuing a position paper



Child Labor in Agriculture

- Enforce existing agricultural workplace labor laws
 - Congress must adequately fund the Department of Labor to assure that current laws and regulations are obeyed in order to prevent, or stop, employment abuses in all industries.
 - CLA opposes employment of children less than 12 years of age in agriculture.
 - ❖ Children under 12 do not belong in agricultural workplace situations where there are hazards that pose much greater risks than pesticides such as crush injuries from heavy machinery, drowning in irrigation canals and ponds, entrapment and suffocation in grain silos.
- We encourage the EPA to enforce existing agricultural workplace labor laws rather than develop risk methods for very young children where risk is negligible, relative to the rates of physical injury for children.

EcoRoadmap

- The goal of the Eco Roadmap is to have regulatory agencies implement a fair and credible risk assessment process that utilizes sound science and reliable data to affirm pesticide products can be used safely in the environment and comply with applicable environmental laws.
- **Comprehensively addresses environmental issues including:**
 - Compliance with Endangered Species Act (ESA) legislation
 - Water – eg. requirements for NPDES permitting of pesticide applications
 - Spray Drift



Responsible Industry for Sound Science



Debug the Myths

The objectives of the program are to inoculate consumer opinion leaders from emotional activist messages while also increasing:

- Awareness of product safety
- Agreement with key messages
- Positive reputation for industry

... Ultimately, decreasing support for product bans and restrictions



Debug the Myths

- How is RISE doing this?
 - Sharing a powerful message
 - Engaging our audience

Compelling consumers to engage in the policy debate

Packing all positive, local activity for state policy makers

Legislative “leave behind”



Debug the Myths



Web banner ad appearing
in key markets

- Activity and messaging are proactive and positive, focusing on benefits
 - Extensive consumer research
 - Successfully leveraging digital resources
 - Engaging grassroots
 - Targeted media outreach



DEBUGTHEMYTHS.COM

DebugTheMyths.com - Controlling pests to protect your home and family

http://debugthemyth.com/

NEWS THE FACTS HEALTH HOME & COMMUNITY ENVIRONMENT EVENTS BLOG TAKE ACTION

Tell A Friend

Google Site Search

SIGN UP

for a chance to

WIN A \$250 GIFT CARD TO HOME DEPOT

Stay up-to-date on the latest lawn care and pest management tips, and receive information about local policies in your community. Sign up to stay informed.

[SIGN UP >>](#)

DEBUG THE MYTHS

Get a closer look at some common questions about pesticide and fertilizer use. Understanding the necessity and benefits of pesticide and fertilizer use can help you make the best decisions for your family and community. Let's debug some common myths. [MORE >>](#)

ABOUT US NEWS THE EXPERTS TAKE ACTION OUR BLOG

CropLife AMERICA

What is ACRC...

A non-profit corporation formed in 1992 to facilitate and manage the collection and recycling of HDPE crop protection and other specialty pest control containers in a cost effective manner.

Funding is...

Voluntary by agricultural crop protection product manufacturers and distributors who sell crop protection products in HDPE containers

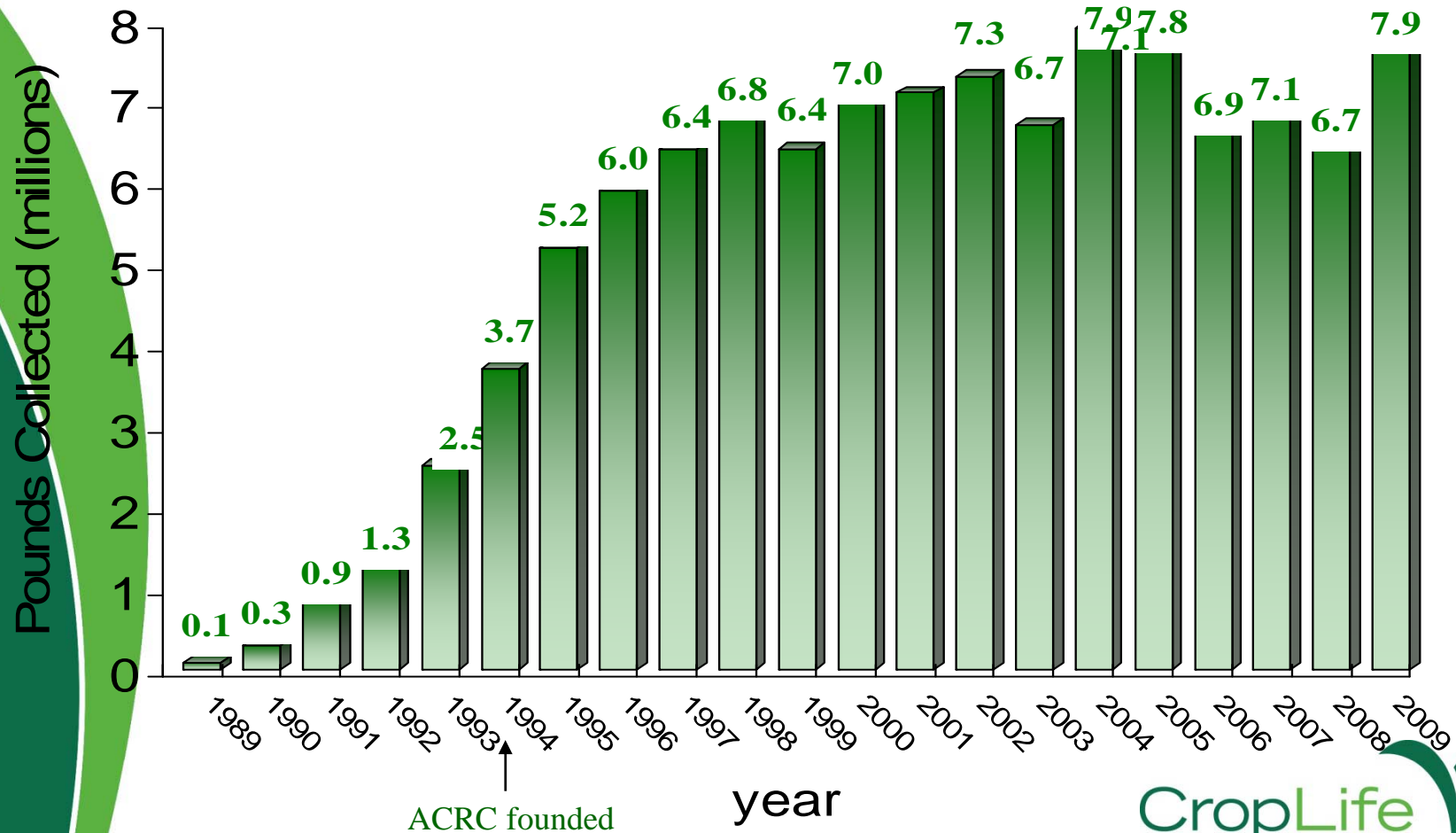


RON PERKINS

www.acrecycle.org



Pesticide Container Recovery (1989-2009)



Mid America CropLife Association

Traceability Implementation Project Video—
guidelines for retailers

Chemical Facility Anti-terrorism Standards—
corporate security address

Survey for Safe Storage of Crop Protection
Products—public warehouse evaluations
and identifies areas for improving
warehouse safety.



Interregional Coordinating Council Transportation & Distribution Committee

- Council formed in 1991 by CLA, SPCA, MACA, WPHA
- T & D created to follow transportation issues in crop protection industry.
- Purpose to interpret, summarize and communicate DOT regulations to the industry.
- Check website: southcrop@earthlink.net



IRCC Transportation & Distribution Committee

- Federal Motor Carrier Safety Admin Hours of Service—under scrutiny in courts
- Comprehensive Safety Analysis—new system for evaluating carrier safety ratings
- HM-232F Risk-based Adjust of Security Plans—compliance mandatory on 10/1/10
- Combustible Liquids—classification of liquids
- International Developments—harmonization with UN model Regs

Promoting Modern Agriculture



CropLife America is leading a major initiative to encourage the widespread adoption of the term “modern agriculture” when describing the wide majority of positive and beneficial production practices employed by America’s farmers.



Promote Modern Agriculture: Key Actions

CLA is meeting with a number of organizations across the sector, including industry and grower groups, to promote the use of the new terminology and messaging.



Thank You



www.croplifeamerica.org

