Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 4/18/2017 11:29:01 AM
To: Laws, Meredith [Laws.Meredith@epa.gov]
Subject: FW: Curfew Soil Fumigant
Attachments: Lawson Inquiries via Office of Senator Bill Nelson.pdf; Enclosure_ Telone II label.pdf; Enclosure_Florida 24c Label.pdf; Enclosure_Safety Data Sheet.pdf; Enclosure_ Human Health Study.pdf; Lawson Responce.pdf

Meredith

Is this the same person you contacted in response to the Sen Nelson letter?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7624

From: Robert Lawson Personal Email / Ex. 6
Sent: Monday, April 17, 2017 11:44 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Fwd: Curfew Soil Fumigant

---------- Forwarded message ----------
From: **Bennett, Isabella** <Bennett.Isabella@epa.gov>
Date: Fri, Apr 14, 2017 at 2:32 PM
Subject: RE: Curfew Soil Fumigant
To: "lawson.rd@ Personal Email / Ex. 6

Dear Mr. Goodis:

Mr. Keigwin referred me to you for further questions. In the section below Additional Information on Buffer Zones is the statement " This revised label was reviewed by the EPA and summarized in the human health scientific review document."

Can you please refer me to, or provide the scientific documentation used to underlie the justification for the reduction of the buffer zone from 1/8 of a mile from a difficult to evacuate facility to 30 feet from property line, and from other occupied structures to 30 feet from property line?

There is a Groundwater Contamination Warning on the label. What is the regulatory status of that warning? Does this warning disallow use with the soil type/groundwater level in the warning?

Thank you,

Robert Lawson

Dear Mr. Lawson:

Thank you for contacting the U.S. Environmental Protection Agency (EPA) with your questions regarding the product Curfew Soil Fumigant. EPA places a priority on communicating environmental information to citizens, and we are sorry that you initially encountered difficulty in obtaining the information you seek. Your previous inquiries should have been handled in a more respectable manner and I want you to know that I have directed my staff to put in place improvements in our process that will prevent a similar situation from happening again.

In your inquiries to the agency, you requested information such as history and details regarding the Special Local Needs (SLN) registration that the Florida Department of Agriculture and Consumer Services issued for Curfew Soil Fumigant under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the safety evaluations for the product, and the nature of requirements for protecting bystanders (such as buffer zones). As requested, below and attached is additional information about Curfew Soil Fumigant.

Curfew Soil Fumigant contains the active ingredient 1,3-Dichloropropene (1,3-D) and the product has a state-specific SLN registration with the state of Florida (SLN FL990014) based upon the federally registered product Telone II (EPA Registration Number 62719-32). For the record, "Curfew Soil Fumigant" is an accepted alternate brand name for Telone II and is the name under which SLN FL990014 is marketed. As indicated on the pesticide product label, Curfew Soil Fumigant is a Restricted Use Pesticide (RUP). It is for retail sale to and use only by certified applicators or persons under their direct supervision and only for those uses covered by the certified applicator's certification. In order for applicators to obtain certification to use RUPs, they must pass a written examination to demonstrate their competency, and renew their certifications at least every 5 years through additional training. Additionally, beyond these federal requirements, Florida can require further, more restrictive requirements for applicators of soil fumigants.

Under the authority of section 24(c) of FIFRA, states may register an additional use of a federally registered pesticide product, or a new end use product to meet special local needs. After a state issues a registration under FIFRA section 24(c), the EPA then independently reviews the registration to ensure that the use does not pose a risk of unreasonable adverse effects. In this case, the EPA reviewed the revised use pattern for Curfew. That review, titled "*Responses to Technical Issues Associated with Telone Use in Florida on Golf Courses and Labeling Issues in California,*" (October 2009) is enclosed.

The EPA has required several use restrictions to ensure that this product can be used in a safe manner. Specific to Curfew Soil Fumigant, these include:

- Personal Protective Equipment (PPE) must be used when applying Curfew Soil Fumigant.

- Use of a buffer zone. A buffer zone provides distance between the application site (i.e., edge of field) and bystanders, allowing airborne residues to disperse before reaching the bystanders. A buffer zone reduces the chance that air concentrations where bystanders are located will cause acute adverse health effects. Additional information on the buffer zone for Curfew Soil Fumigant can be found in the enclosed supplemental information.

- Notifications of Curfew Soil Fumigant use must be posted around both the treated area and the buffer zone from the beginning of chemical use for a minimum of 24 hours. Signs must be sufficiently visible and state "warning" or "do not enter."

It is important that an applicator reviews and follows information on pesticide product labels. Pesticide product labels provide critical information about how to safely and legally handle and use pesticide products. Labels for registered pesticide products are legally enforceable, and all carry the statement: "It is a violation of Federal law to use this product in a manner inconsistent with its labeling."

State agencies play a critical role in the regulation and enforcement of pesticide safety requirements. In your case, the Florida Department of Agriculture and Consumer Services (FDACS) is the designated lead agency and you may consider contacting them directly. EPA's point of contact with FDACS is Dr. Davis H. Daiker, Chief of FDACS's Bureau of Scientific Evaluation and Technical Assistance, who may be reached at Davis.daiker@freshfromflorida.com or (850) 617-7917. Dr. Daiker's mailing address is 3125 Conner Blvd., Laboratory Bldg. #6, Tallahassee, FL 32399-1650.

In addition to the supplemental documents and information, included is a list of Web links with additional information on Curfew Soil Fumigant, Telone II, and the active ingredient 1,3-D, as well as websites from the EPA.

We hope this information is helpful. Thank you again for contacting the EPA about this important matter. If you need further information about this product or have additional questions regarding the agency's review supporting this registration, please contact Michael Goodis, Director of the Registration Division within the Office of Pesticide Programs. Mr. Goodis can be reached at goodis.michael@epa.gov or (703) 305-5447.

Sincerely,

/s/

Richard P. Keigwin, Jr., Acting Director

Office of Pesticide Programs

Supplemental Information

Supplemental information that U.S. EPA is providing as attachments in response to your request include:

- Most recent label for Telone II, dated 2006

- Most recent Section 24(c) label from the state of Florida, dated 2010

- Safety Data Sheet for Curfew, dated 2015; also accessible electronically at www.cdms.net/ldat/mp69L001.pdf

- Human Health Study for Telone title "*Responses to Technical Issues Associated with Telone Use in Florida on Golf Courses and Labeling Issues in California*", dated October 2009

The following web links provide useful information on soil fumigants, SLN, Telone II, or the active ingredient 1,3-D:

- More information and resources on soil fumigants are available at www.epa.gov/soil-fumigants

- More information on the SLN process is available at www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations

- The most recent label Telone II label (dated 2006) is enclosed, however the label can also be viewed though the Pesticide Product Label System or PPLS on Telone II's PPLS page: https://iaspub.epa.gov/apex/pesticides/f?p=PPLS:8:2798575697983::NO::P8_PUID,P8_RINUM:5659,62719-32

- In 2008, the EPA completed a reevaluation of older pesticides – those initially registered before November 1, 1984 – to ensure that they met current scientific and regulatory standards. The results of the EPA's reviews were summarized in Reregistration Eligibility Decisions (REDs). 1,3-D's RED: www3.epa.gov/pesticides/chem_search/reg_actions/reregistration/red_PC-029001_1-Sep-98.pdf.

- The active ingredient 1,3-D is currently undergoing registration review. Registration review is a reevaluation program that EPA is required under law to complete every 15 years for all pesticide active ingredients. The EPA initiates a registration review by establishing a public docket for a pesticide registration review case. The docket contains information including supporting scientific risk assessments, facts about the pesticide, information regarding its current use and usage, and an estimated timeline for the review. 1,3-D's registration review docket is located on Regulations.gov: www.regulations.gov/docket?D=EPA-HQ-OPP-2013-0154.

Additional Information on Buffer Zones

Curfew Soil Fumigant's initial 24(c) registration was issued by the Florida Department of Agriculture and Consumer Services (FDACS) and went into effect in 2003. At that time, the 24(c) registration became effective and the buffer was specified as follows: "An application of Curfew shall not be made within 100 feet of an occupied structure, such as a school, hospital, business or residence." In 2008, the FDACS submitted an amended label that reduced the buffer to the following: "An application of Curfew shall not be made within 30 feet of an occupied structure such as a school, hospital, business or residence." This revised label was reviewed

by the EPA and summarized in the human health scientific review document. A revised label was subsequently received by the EPA. The buffer is currently specified as follows: "A buffer zone of at least 30 feet around each application area must be established. An application of Curfew shall not be made within 30 feet of land not under the control of owner/operator unless written permission is obtained from the property owner to allow such land to be included as part of the buffer zone."

For Curfew Soil Fumigant, the buffer zone period lasts a minimum of 24 hours after the fumigant has stopped being delivered/dispensed to the soil.

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