Mr. Robert Lawson
10240 Valle Drive
Tampa, Florida 33612
[HYPERLINK "mailto:lawson.rd@gmail.com"]

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

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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 [HYPERLINK "mailto:goodis.michael@epa.gov"] or (703) 305-5447.

Sincerely,

Richard P. Keigwin, Jr., Acting Director
Office of Pesticide Programs

Ms. Debra McCormack
1506 South Oregon Circle
Tampa, Florida 33612
[HYPERLINK "mailto:debralind.mccormack@gmail.com"]

Dear Ms. McCormack:

[Copy completed body of the initial letter]

Sincerely,

Richard P. Keigwin, Jr., Acting Director
Office of Pesticide Programs