U.S. ENVIRONMENTAL PROTECTION AGENCY
ADMINISTRATOR ANDREW WHEELER

MEMORANDUM FOR AWARENESS

Date of Submission: Thursday, July 9, 2020.

TOPICS FOR DISCUSSION

1. **ISSUE/REQUEST: For Awareness, OCSPP is Preparing to Respond to the Court's Deadline of July 21, 2020 to Respond to the 2009 Natural Resources Defense Council (NRDC's) Petition to Cancel all Tetrachlorvinphos (TCVP) Pet Uses.**

About TCVP

- TCVP is an organophosphate (OP) insecticide used to control fleas, ticks, various flies, lice, and insect larvae on livestock and domestic animals and their premises. TCVP is also applied as a perimeter treatment. There are no crop uses for TCVP.
- Residential uses include pet collars, flea and tick powder, and pump sprays for pets. Residential risks stem from pet uses.
- There are limited alternative pet collars to replace TCVP collars.
- Most pet-use products are registered by Hartz Mountain Corporation. One dust product with pet uses is registered by Chem-Tech and will be amended to delete use on cats and dogs.
- TCVP is currently in registration review, with a full updated human health risk assessment anticipated in 2021, and the Proposed Interim Decision to follow.

TCVP Petition/Litigation

- In April 2009, the NRDC petitioned the EPA to cancel all TCVP pet products alleging risks to toddlers from hand-to-mouth exposure from residential pet-care uses. In short, NRDC asserted that toddlers are at risk because they touch their pets, get TCVP on their hands, and then mouth their hands.
- Due to uncertainty around the physical form of TCVP present in the collars, the agency was unable to fully respond to NRDC's petition from 2009 to 2017. EPA sent NRDC a letter in 2017 stating that EPA intended to mitigate any risk as part of registration review.
- EPA continued negotiations with Hartz from 2017 to 2019 to determine how to confirm the physical form for TCVP in the pet collars.
- In May 2019, NRDC filed a mandamus petition with the Ninth Circuit Court of Appeals, alleging an "unreasonable delay" on EPA's part to respond to NRDC's petition to cancel all TCVP pet uses.

Briefing Paper Author Contact: Alex Dunn 202-819-5156

- In June 2019 EPA issued a Data Call-In (DCI) for studies to address the physical form of TCVP in pet collars. The registrant submitted studies in August 2019 in response to the DCI.
- Oral arguments were held in early February 2020 and the Court issued its decision on April 22, 2020 requiring EPA to respond to the petition within 90 days of the decision date (*i.e.,* by July 21, 2020) by either initiating cancellation or denying NRDC's petition to cancel pet uses.

Recommended Action

- EPA intends to deny the petition based on risk estimates for the liquid sprays and registrant-proposed mitigation for the dust powders and collars.
    - Risk estimates for liquid spray products do not exceed the agency's level of concern.
    - The mitigation involves Hartz voluntarily canceling the dust powders and one pet collar, to amend certain collar registrations to restrict use by pet age/weight, and to redesign the remaining collars to reduce risk estimates.
- The specific terms and conditions of Hartz' voluntary agreement is under development.
- EPA's denial will be supported by a revised pet-use risk assessment and an economic impact assessment. The revised pet-use risk assessment will be completed on or before July 21, 2020 and will include the data provided by the registrant in August 2019.
- This revised pet-use risk assessment will present risk estimates with the 10x FQPA Safety Factor. There are some residential post-application risks of concern for certain pet collars and pet dust products, even though the residential post-application risk estimates for pet collars are refined as possible.
    - They were refined using studies submitted by the registrant in August 2019, including a submitted dust torsion study for the ratio of liquid/dust in the TCVP pet collar products and two chemical-specific transferable residue studies.
- Cancer risk estimates have also been estimated for TCVP with potential risks identified for residential post-application exposure.

Commented [DA1]: This is confusing. And we keep going back and forth in dates.

Commented [GM2R1]: I revised the text to address Alex's comment.

Stakeholder Reaction and Communications

- Although some press is possible, no rollout is proposed. OCSPP/OPA will have a desk statement on-hand for any press inquiries. OPP is working on potential back-pocket questions and if a website update will be needed.

Commented [DA3]: This needs to be clear not tentative

Commented [GM4R3]: Do we have any more information on this? Can we say that OPP is working on an update to the website? What are the questions for?