



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Please Respond to: Steven E. Dwinell, Assistant Director
Division of Agricultural Environmental Services
3125 Conner Boulevard, Room 126
Tallahassee, Florida 32399-1650
E-mail: dwinels@doacs.state.fl.us
Phone 850-617-7900; Fax 850-617-7939

December 23, 2010

Steven Bradbury, Director
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (7501P)
Washington, DC 20460

Rick Keigwin, Director
Pesticide Re-Evaluation Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. (7501P)
Washington, DC 20460

Dear Sirs:

As we discussed at the Full SFIREG meeting on December 6, 2010, and again during the meeting with Assistant Administrators Steve Owens and Cynthia Giles on December 7, 2010, state lead agencies (SLAs) are facing increasing demands on programs at a time when resources are declining. One of the major demands on SLA resources, especially for states in high use areas, is the need to implement the risk mitigation measures adopted by the Agency for soil fumigants.

A big part of the work associated with this implementation is the review of label changes that are required to implement the soil fumigation mitigation measures. Key SLAs have already devoted significant resources to reviewing and commenting on the extensive changes to labels of registered soil fumigants required to implement the first round(2010) risk mitigation measures adopted by the EPA.

We are now beginning the process of providing comments to the changes for incorporation into the second round of risk mitigation implementation. This round will involve not only reviewing label revisions, but also determining whether training programs are adequate to prepare applicators for the new requirements. Thus, for states in which soil fumigation is prevalent, program managers expect to once again divert a substantial portion of their registration and compliance review staff time to this effort.



Florida Agriculture and Forest Products
Over \$100 Billion for Florida's Economy

In light of this, the Full SFIREG committee adopted a recommendation that the process for developing, reviewing, and accepting label revisions for the second round be changed from the process used for the first round. The recommendation calls for a more flexible, iterative process of review and comment between EPA and the SLAs before the Agency stamps as accepted master labels.

In addition, instead of a "firm" deadline for implementation, the recommendation is for the establishment of a set of time intervals for milestones to be met by EPA, SLAs and/or registrants. If, despite best efforts, a milestone is not reached after the nominal time interval, the due date for the next milestone would be extended. This approach would avoid the unnecessary and disruptive compression of work that must be done when tasks need to be completed by an arbitrary deadline.

Attached is a table that illustrates the proposed milestones and proposed intervals between milestones. If the proposed timelines are realistic and each milestone is reached on schedule, the entire process could be completed within 300 days. Thus, if the process was started January 15, 2011, label changes could be implemented and training conducted by November 11, 2011. The process allows, however, that if a milestone is not reached, then the subsequent milestone is delayed and the time interval to reach that next milestone is not shortened. If for example, the date that USEPA issues the stamped accepted labels is delayed (Milestone #5 in the proposed process), then the final date for adoption of the labels is also delayed. The time intervals by which the subsequent milestones are to be reached would not be compressed by failure to meet an earlier milestone.

The Agency has the authority to set timelines for label revisions and for training program development and deployment that will prepare applicators to understand and comply with the new measures. We request that you consider the proposed milestones and time intervals in the context of what can reasonably be achieved by EPA, SLA's, registrants, and by others who may be conducting training of applicators. We think that the schedule should be practicable and also flexible enough to accommodate unforeseen delays, should they arise. The proposed process should allow all the parties to accomplish the review, comment, adoption and training on the second round of label changes in an orderly manner.

I hope this proposal is acceptable. SFIREG is ready to discuss this proposal in detail and respond to any questions and concerns that the Agency may have. Please contact me at your earliest convenience regarding this proposal.

Sincerely,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE



Steven Dwinell, Chair
State FIFRA Issues Research and Evaluation Group

Attachment
cc: James Burnette
Jim Gray
Dennis Howard
Grier Stayton