

# Dicamba Questions Submitted to EPA

SFIREG Joint Working Committee Meeting

April 12-13, 2021

# Dicamba

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.
  - If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
  - Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

# PFAS Questions Submitted to EPA

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# PFAS

- What is the definition of a PFAS compound in the context of pesticides?

# PFAS

- There have been mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS. Have this been resolved, if so what are the conclusions?

# PFAS

- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?

# PFAS

- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, [https://comptox.epa.gov/dashboard/chemical\\_lists/pfasmaster](https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster) several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyriproxyfen are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :“There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)”. Are the active ingredients listed actually PFAS chemicals?

# PFAS

- EPA has indicated a “clean up” of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?

# PFAS

- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?
- EPA Response to Florida: To minimize risks to human health and the environment, EPA asked states with existing stock of the mosquito product distributed in HDPE containers to discontinue use and hold until its final disposition is determined. The pesticide manufacturer has also notified all its customers regarding management of the product, voluntarily stopped shipments of all products in fluorinated HDPE containers, and is now using non-fluorinated containers.

# PFAS

- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?
- EPA Response to Florida: EPA is continuing to work to understand the extent and significance of the potential for PFAS contamination and continues to be in close communication with the Food and Drug Administration and the United States Department of Agriculture.

# PFAS

- Is there a Safety Data Sheet (SDS) for the packaging?
- EPA Response to Florida: Safety Data Sheets (SDS) are required by the Hazard Communication Standard (29 CFR 1910.1200(g)), which is implemented by the Department of Labor's Occupational Safety and Health Administration (OSHA). The requirement is intended for hazardous chemicals, which are materials/products used by other people/companies. Packaging is not an intended target of the Hazard Communication Standard, but questions related to SDS requirements should be directed to OSHA.

# PFAS

- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry?
- EPA Response to Florida: EPA will be providing additional information that answers this question. We will loop back with this group when this additional information goes public

# PFAS

- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- EPA Response to Florida: The PFAS detections in rinsate from the tested containers does not represent PFAS concentrations in the environment or human exposure to PFAS. EPA is still working to investigate and assess the risk concerns associated with PFAS making it into the environment as a result of fluorinated HDPE containers.

# PFAS

- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- EPA Response to Florida: EPA is early in its investigation of the various fluorination processes and the potential for them to produce PFAS. The agency will explore the available alternatives to fluorinated HDPE containers if testing determines that fluorinated HDPE containers cannot be used going forward.

# PFAS

- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- EPA Response to Florida: Like the United States, most of the world's major economies are looking at how to address PFAS in their own regulatory schemes. For example, in the European Union, PFOS and PFOA are banned under the European Union POPs Regulation and certain PFAS have been proposed for restriction. Canada has also implemented a combination of regulatory and voluntary actions to reduce the risk of certain long-chain PFAS, including prohibitions on PFOA, long-chain PFCAs, and PFOS. The OECD PFAS Portal lists other actions countries are taking to address PFAS.
- In addition to actions taken at the national level, PFAS are a frequent topic of conversation at the international level, and the United States has long participated in such discussions. For example, in 2009, the United States proposed that the Strategic Approach to International Chemicals Management, known as SAICM, address perfluorinated chemicals by encouraging stewardship programs and relevant regulatory actions. Global actions are also being taken and implemented for some PFAS, such as PFOS, PFOA, and PFOA-related compounds, which have been listed under the Stockholm Convention on Persistent Organic Pollutants for restriction (PFOS) or elimination (PFOA). PFOS is already listed under the Rotterdam Convention, which promotes cooperative efforts among Parties in the international trade of certain hazardous chemicals, and PFOA and PFOA-related compounds are also currently being considered for listing by its Parties.

# PFAS

- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- EPA Response to Florida: EPA is early in its investigation and assessment of the presence, scope, and impact of fluoridated HDPE packaging on human health, the environment, and trade with respect to potentially affected products as well as relevant import or export markets, should there be any. The agency is actively working with the Food and Drug Administration and the U.S. Department of Agriculture in our assessment. We are also engaging with pesticide companies and entities that make fluorinated containers to raise awareness of this emerging issue.

# PFAS

- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?
- EPA Response to Florida: EPA has no comment at this time.

# PFAS

- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?

# PFAS

- Will there be a similar response from EPA regarding Perfluorinated 30-30?

# PFAS

- What consideration, if any, is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

# Pentachlorophenol Questions Submitted to EPA

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# Pentachlorophenol

- Discussion on the action proposed in the March 5, 2021 notice

# Pentachlorophenol

- Cancellation and phase out plans

# Pentachlorophenol

- What kind of comments are they looking for by May 5th

# Pentachlorophenol

- Time table for the phase-out and continued use of stockpiled material

# Pentachlorophenol

- Time table for the phase-out and continued use of stockpiled material

# Pentachlorophenol

- Dealing with treated wood products that are in the chain of sale or commerce

# Pentachlorophenol

- Future commercial uses of existing or newer pentachlorophenol replacements

# Pentachlorophenol

- Are the replacements more effective and sustainable

# Pentachlorophenol

- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: <https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood>
  - isothiazolinones can be used as wood preservatives.
    - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
      - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
    - OIT (2-n-octyl-4-isothiazolin-3-one), another isothiazolone, is used as a sapstain wood preservative. Information on OIT is available in docket EPA-HQ-OPP-2014-0160.
    - A mixture of the isothiazolones MIT (2-methyl-4-isothiazoline-3-one) and CMIT (5-chloro-2-methyl-4-isothiazoline-3-one) is used in pressure treatment of wood. Further information is available in docket EPA-HQ-OPP-2013-0605.

# Pentachlorophenol

- What environmental and human health information does EPA have on compounds like DCOIT, OIT, MIT, CMIT

# Pentachlorophenol

- These are registered under FIFRA, and what data exists to be able to generate some aquatic life and/or human health benchmarks.

# Pentachlorophenol

- How are these alternatives safer for human exposure and environmental and aquatic impacts,

# Pentachlorophenol

- Is there toxicity testing that has been done for these replacements, and is that data available

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- Industry material safety data sheets indicate that certain compounds are highly acutely toxic to fish and other aquatic organisms,

# Pentachlorophenol

- There are no EPA aquatic life benchmarks for DCOIT and related compounds

# Pentachlorophenol

- NPDES permitting and municipal storm water leaders are asking SLAs for direction and information on these issues for the projected changes with these chemicals