



**PSEP Quarterly**  
**A Quarterly Newsletter for Pesticide Safety Education Professionals**

Produced by Monte Johnson and Wanda G. Best

**Headline Story:**

**EPA Announces Requests to Voluntarily Cancel Registrations of Diazinon**

On Friday, July 11th EPA published in the Federal Register a notice announcing the receipt of requests to cancel certain products containing diazinon. Drexel Chemical Co. and Makhteshim Chemical Works, Ltd. requested to voluntarily cancel all of their outdoor non-agricultural diazinon technical product registrations. Walla Walla Environmental, Inc. has requested to voluntarily cancel its residential end-use product containing diazinon. EPA is providing a public comment period before taking action on the requested cancellations. Comments on the requested cancellations, identified by docket ID number OPP-2003-0189, must be received by August 11, 2003.

In a 2000 Memorandum of Agreement (MOA), the diazinon technical registrants agreed to cancel registrations for all of their technical products permitting formulation for residential use, effective June 30, 2003. The cancellation of the residential technical products referenced in this notice will be effective after the 30-day comment period and upon issuance of the cancellation order, if there are no significant comments.

Walla Walla will be allowed to sell and distribute their end-use product until August 31, 2003.

Distribution, sale, or use of existing stocks of Drexel's and Makhteshim's outdoor non-agricultural technical products will

not be lawful after the effective date of the cancellation (i.e., after the date of the cancellation order), except for export or proper disposal. Walla Walla may not distribute, sell, or use existing stocks of their outdoor non-agricultural end-use product after August 31, 2003, except for export or disposal. Retail sale and distribution of the Walla Walla product will be prohibited after December 31, 2004, except for purposes of the product recovery program under the 2000 MOA, export, or disposal. Use of existing stocks of the Walla Walla product may continue until stocks are exhausted.

Diazinon has been one of the most widely used insecticides in the U.S. for residential as well as agricultural pest control. A December 2000 agreement with the technical registrants is phasing out and canceling all indoor and outdoor residential uses in order to reduce risks to children and others. EPA's July 31, 2002, Diazinon Interim Reregistration Eligibility Decision (IRED) includes further measures to reduce risks to agricultural workers and the environment.

Earlier, Syngenta Crop Protection, Inc. also requested voluntary cancellation of registrations for all uses of diazinon, effective June 30, 2003. That Federal Register notice is available at EPA's website: [www.epa.gov/EPA-PEST/2003/May/Day-30/p13436.htm](http://www.epa.gov/EPA-PEST/2003/May/Day-30/p13436.htm).

Additional information on diazinon is available on EPA's website at: <http://www.epa.gov/pesticides/reregistration/status.htm> . <http://www.epa.gov/pesticides/op/diazinon/summary.htm>. The Federal Register notice for Drexel, Makhteshim and Walla Walla Environmental is also available on EPA's website: <http://www.epa.gov/fedrgstr/EPA-PEST/2003/July/Day-11/p17512.htm>.

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NATIONAL PEST MANAGEMENT ASSOCIATION TRAINING MATERIALS



## New Integrated Pest Management Report Released

The Council for Agricultural Science and Technology (CAST) has released a new report titled "Integrated Pest Management: Current and Future Strategies." The release offers a comprehensive and up-to-date analysis of the issues involved in pest control and is designed to offer policymakers, opinion makers, and educators with an informed overview on IPM issues. In addition, the report identifies seven key issues that future IPM strategies must address, such as the impact of biotechnology on agriculture; genetic diversity and pest adaptability; and ecology-based management systems. The report is available online at <http://www..cast-science.org>

## U.S. Supreme Court Refuses To Hear Pesticide Exposure Case



The U.S. Supreme Court has denied a Wisner, Neb., man's request to restore a \$2.2 million judgment in his pesticide exposure case. Harold Eyl, a former maintenance worker for the city of Wisner, has been unable to walk without assistance since 1993, after walking through an area of a city park that had been treated with the pesticide Pramitol. Commonly known as "Total Kill," the weed killer had been applied to the area earlier by city crews. Eyl suffered chemical burns on his feet and is unable to walk or stand without a cane. In 1999, a Cuming County District Court jury found Pramitol's manufacturer, Ciba-Geigy, and retailer Northeast Cooperative, negligent and awarded Eyl nearly \$2.2 million.

### (Supreme Court Continued)

Then, last September, the Nebraska Supreme Court overturned the award, ruling that federal labeling regulations pre-empted Eyl's right to sue. That prompted the appeal to the U.S. Supreme Court. The Nebraska Supreme court was flat wrong, " said Brian Wolfson, one of Eyl's attorneys. "This issue cries out for resolution. Mr. Eyl had \$2 million taken away from him by the Nebraska court." The U.S. Supreme Court should have taken up the matter to clear up confusion in such cases, said Timothy Dowling, a Washington attorney who filed a friend of the court brief in the case on behalf of the Natural Resources Defense Council and Community Rights Counsel.

Courts in other states have reached widely disparate rulings on whether federal labeling requirements pre-empt the right to sue or the right of states to adopt additional pesticide requirements, Dowling said. "It's hard to predict when people injured by pesticides are going to prevail," he said, "I thought Mr. Eyl had presented a strong case for review. An attorney for Ciba-Geigy praised the high court's decision to not hear Eyl's appeal.

The weight of authority of all published opinions greatly supports the Nebraska Supreme Court's ruling. "It's only a minority of courts that supports the other side", "said William Brennan of Omaha. Pramitol, a pelleted herbicide, is now manufactured by Novartis Crop Protection Inc. of Greensboro, NC. The manufacturer claims Pramitol is not hazardous when applied properly by following label directions.

Source: Wilmington Morning Star, Monday, July 7, 2003

## Fewer Consumers are Reading Pesticide Labels

Fewer consumers are reading pesticide labels, saving energy and recycling, according to a Roper "Green Gage study." In addition, fewer access news about the environment, the first major drop in this indicator of consumer concern in recent years. Only 23 percent surveyed say they read a pesticide label. This is an alarming trend, and disturbing for our industry. EPA is making efforts to encourage label reading and making labeling more readable and understandable.

From Crop Life America Email

## Interim Administrator Named for EPA



**Marianne Lamont Horinko**  
Acting Administrator  
Environmental Protection Agency (EPA)

President Bush has appointed Marianne Lamont Horinko to be acting administrator of the Environmental Protection Agency (EPA) and Stephen L. Johnson to be acting deputy administrator. The appointments are effective July 14 and temporarily fill the leadership positions following the resignation of former administrator Christine Todd Whitman who left the agency June 27. Horinko is now the assistant administrator for solid waste and emergency response, while Johnson is assistant administrator for prevention, pesticides, and toxic substances.

Source: EPA

## Comprehensive Review of Widely Used Insecticide Carbaryl Completed

On June 30, EPA completed a thorough assessment of the pesticide carbaryl, one of the most widely-used insecticides in agriculture. Stemming from the Agency's evaluation, EPA is requiring new measures to ensure protection for homeowners, agricultural workers and the environment. EPA's actions will reduce potential exposures of residential users and children to this pesticide by eliminating most pet care and aerosol products, as well as liquid lawn care applications. Exposures to people who apply carbaryl in agriculture and those who enter treated areas will be reduced in the following ways: cancelling some uses and application methods; reducing maximum application rates; eliminating aerial application for certain crops; requiring more personal protective equipment and engineering controls; and extending restricted entry intervals for many crops. Carbaryl can pose risks to honey bees, aquatic invertebrates and other aquatic animals.

No concerns were identified related to dietary exposure to residues of carbaryl. EPA will also conduct a cumulative risk assessment for carbamate pesticides, and when this is completed, the Agency will evaluate whether further risk mitigation may be needed for carbaryl. A Federal Register notice announcing the beginning of a public comment period on the decisions contained in this action will be published shortly. The "Interim Re-registration Eligibility Decision" for carbaryl, and related documents including EPA risk assessments and a summary of this decision, will be available at <http://www.epa.gov/pesticides/reregistration/carbaryl/>

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### Copies of PSEP Training Materials to the National Agricultural Library

When new or revised training materials for the Pesticide Safety Education Program are completed by your programs, please send two copies to the National Agricultural Library at the following address:

Attn: Patti Wheeler  
The National Agricultural Library  
Gift and Exchange, Room 002  
10301 Baltimore Avenue  
Beltsville, MD 20705  
Telephone: 301-504-5206

### National Pest Management Association Training Materials

If you aren't aware of it, the National Pest Management Association has some excellent training materials available. Some examples include manuals entitled 'Field Guide to Structural Pests', 'Field Guide to Turfgrass Pests', 'Basic Training Handbook for New Structural Pest Control Service Technicians', and Research Reports on such topics as subterranean termite biology. They also have several of these in CD format. If you are interested in looking into these materials, please contact:

National Pest Management Association  
8100 Oak Street  
Dunn Loring, VA 22027  
Telephone: 703-573-8330  
FAX: 703-573-4116  
Website: [www.pestworld.org](http://www.pestworld.org)

**Check out the 'Bug Store'**

### Court Rejects Ban On Use Of Humans In Pesticide Testing

WASHINGTON — A federal appeals court yesterday struck down an EPA moratorium on using human test data to evaluate the safety of pesticides. The court said the EPA directive, barring the agency from considering toxicity studies involving humans ingesting pesticides, was imposed without giving the affected parties proper notice or the right to comment, as required by law.

As a result, the U.S. Court of Appeals for the District of Columbia ordered the EPA to consider human test data on "a case by case basis" using the "highest ethical standards as a guide." It said this policy must remain in effect "unless and until it is replaced by lawfully promulgated regulations." The decision is a victory for Crop Life America, a pesticide industry trade group that argued human tests provide more accurate health data than animal studies.

"Crop Life America looks forward to working with the EPA in utilizing these important test data in the regulation of industry products," said Jay Vroom, president of the group.

Environmentalists maintained human testing is unethical. Richard Wiles of the Environmental Working Group said he hopes the EPA will continue to "reject pesticide company human experiments until regulations to ban their use are developed."

An EPA spokesperson, Dave Deegan, said the agency was disappointed by the ruling but already has begun the process of formally instituting the ban the court overturned. The EPA imposed the moratorium during the final months of the Clinton administration. The ban was lifted by the Bush administration but reimposed in December 2001 following a backlash from environmental groups. The EPA also asked the National Academy of Sciences to review the scientific and ethical implications. That review is in progress.

The controversy stems from a 1996 law designed to protect children from harmful pesticide residues. The law required the government to reconsider existing pesticide safety levels to reflect their impact on children. Studies have shown pesticides can cause birth defects, nerve damage, cancer and other health problems, and that children are at the greatest risk. Under the previous law, the safety level for humans was calculated by determining the safe dose for a lab animal and then reducing it 100 times. The 1996 law required the EPA to set the safety level at one one-thousandth of the dose that a rat or dog could withstand the levels of pesticides allowed for use. Some companies responded with a controversial strategy of feeding low doses of pesticides to human volunteers, to prove the chemicals are safe and can continue to be used at their pre-1996 safety levels. Source: The Star-Ledger

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