

February 24, 2006

Mr. Jim Roelofs  
Field and External Affairs Division  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Label Language for Urban Misting Systems

Dear Mr. Roelofs:

Thank you for the opportunity to provide input to the Agency on the labeling of permethrin, pyrethrins and piperonyl butoxide with respect to the use of those products in urban misting systems (hereinafter referred to as "UMS"). These comments are submitted on behalf of the ad hoc working group that was created after the Mosquito Misting Systems Stakeholder Forum in December. The committee was comprised of individuals representing the American Association of Pesticide Control Officials (AAPCO), the Association of Structural Pest Control Regulatory Officials (ASPCRO), the National Pest Management Association (NPMA), and stakeholders representing several large manufacturers of misting hardware, pest control operators that install the systems and registrants that manufacture pesticides used in the systems. A copy of these comments will be provided to the larger stakeholder group. Those individuals may choose to associate themselves with these comments or submit alternative comments.

### **Terminology**

Mosquito misting systems are increasingly being used to treat target pests other than mosquitoes. Accordingly, the group believes that the Agency should adopt the term "Urban Misting Systems" in describing these delivery systems. By using the term "urban," we are intentionally excluding similar systems used in agricultural settings, such as cattle or poultry facilities.

### **Applicability of Labeling Language to All Products Used in Urban Misting Systems**

While these comments are being solicited and submitted in the context of the imminent reregistration of several active ingredients currently being used in urban misting systems, we are aware of other active ingredients not currently

being reregistered that are either being used or are capable of being used in urban misting systems. We are, accordingly, concerned that some products will bear new, more restrictive labeling, though products not currently being reregistered will contain label language which is more permissive and generally inconsistent. This may lead UMS manufacturers and installers to migrate from using products with more restrictive labeling to those with more permissive labeling. We believe that any active ingredient used in an urban misting system should bear consistent labeling. To resolve this potential paradox, we suggest that the Agency consider promptly issuing a PR Notice pertaining to any product used in an urban misting system.

Additionally, the working group supports a requirement that any existing or future products that would currently fall under the exemption for minimum risk pesticides by the FIFRA Section 25(b) rule undergo EPA registration before they may be used in urban misting systems. We believe the unique and complex use patterns associated with these systems, as well as the public health implications of their use, require this action. The identified concerns (pesticide drift, non-target exposure, excessive use, misapplication, large quantities of pesticide materials being held in and around residences, etc.) hold true for ALL materials intended to be used in urban misting systems and thus should be held to similar standards of oversight.

### **Label Directions for Use in Urban Misting Systems**

To ensure that the persons who install and maintain urban misting systems and the end users of these systems have a thorough understanding of how products are to be used in these systems and to avoid potential confusion, we recommend that urban misting system use directions should be contained in an area or section of the label that is distinct from other use directions.

### **A Framework for the Comprehensive Regulation of Products Used in Urban Misting Systems**

We believe that problems associated with the use of pesticides in urban misting systems arise from two things; incorrect installation of the misting system and use of the system in inappropriate circumstances. Accordingly, we recommend that the system be installed and maintained by a certified applicator or person working under their supervision, who shall provide the end user with comprehensive information about the operation of the system and their obligation to use it in accordance with label directions. In turn, the end user should be required to ensure that the system is shut off any time that circumstances warrant. We explain this in greater detail below:

The installation of an urban misting system is extremely complex. The failure to install a system properly can result in off-site drift, direct application to people,

pets and/or water and unnecessary and excessive pesticide use. Secondly, once a system has been installed, it is not possible for the installer to monitor the day to day operation of the system. To address this, we recommend that the system be installed and maintained by a certified applicator or person working under their direct supervision. We further recommend that the certified applicator provide the end user with complete information about the operation of the system, instructions for turning off the system, the labeling of any product used in the system and information about integrated pest management. To achieve that, we recommend the following label statements:

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- (*Brand Name*) may only be applied through systems serviced and maintained by certified applicators or persons working under their direct supervision.
- The end user must monitor the system to ensure compliance with label requirements and shall be provided with complete labeling, information on IPM, instructions on system operation, and shut-off procedures.

Further, the label should contain the following precautionary language:

- Operators of UMS must consider the following when calculating application rates: landscaping/topography, environmental issues, system requirements.
- Do not apply this pesticide when people, pets, and food are present.
- Mist should be directed away from swimming pools, or ponds containing fish and other organisms sensitive to [*active ingredient(s) name*].
- This product may not be used in an evaporative cooling system.
- To ensure compliance with this label the end user shall not allow the system to operate when off-site drift will occur or when target insects are not likely to be present.

### **Pesticide Reservoirs Should Only Be Accessible to the Certified Applicator**

Different urban misting systems have different methods for mixing and loading the pesticide used in the system. Most systems on the market today are equipped with reservoirs that typically hold relatively large volumes of diluted pesticides (e.g. 55 gallon reservoirs are common). Some newer models incorporate direct injection systems that automatically mix the concentrated active ingredient with water.

Because of the potential for human health hazards that could occur in systems with large pesticide reservoirs, we recommend that the label contain language requiring that the reservoir be locked and accessible only by the certified applicator or person working under their supervision, as follows:

- If used in a system with a reservoir for the end use dilution, the reservoir shall be locked and accessible only by a certified applicator or person working under his or her direct supervision.

## **Conclusion**

We have attached sample label language to illustrate an example of a label containing these recommendations.

The group's work represents an effort to improve product label language which will enhance end user compliance and the safety of these systems. Not all of the issues identified in the December Stakeholder Forum can be addressed through label language. We have attempted here to provide the Agency with language for those issues that can be addressed through label amendments, but request the Agency develop opportunities for additional comment and recommendations on this issue. There are other issues, such as training, advertising and product stewardship that we do not believe can be addressed through label language. We are continuing to meet to develop solutions to those issues and welcome the Agency's continued involvement.

Again we appreciate the opportunity to submit these comments and welcome the opportunity to discuss these with you in greater detail.

On behalf of the American Association of Pesticide Control Officials, Association of Structural Pest Control Regulatory Officials, National Pest Management Association and other members of the Ad Hoc Misting System Work Group

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Attachment (1)

CC: Anne Lindsay  
Debbie Edwards  
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Cathryn O'Connell  
Susan Jennings

## **Attachment 1 Sample Language**

### **Urban Misting Systems [UMS]:**

*Brand Name* may only be applied through systems serviced and maintained by certified applicators or persons working under their direct supervision. This product may not be used in an evaporative cooling system. Operators of UMS must consider the following when calculating application rates: landscaping/topography, environmental issues, system requirements. Mist should be directed away from swimming pools, or ponds containing fish and/or other organisms sensitive to [*active ingredient(s) name*]. **Appropriate rate info in terms of ai per sq ft of “surface area”..... etc, etc.**

[Dilution chart]

To ensure compliance with this label the end user shall not allow the system to operate when off-site drift will occur or when target insects are not likely to be present. Do not apply this pesticide when people, pets, and food are present. The end user must monitor the system to ensure compliance with label requirements and shall be provided with complete labeling, information on IPM, instructions on system operation, and shut-off procedures. If used in a system with a reservoir for the end use dilution, the reservoir shall be locked and accessible only by a certified applicator or person working under his or her direct supervision.