

Status of Pesticide Registrations for Forestry

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Abstract: The status and number of pesticides registered and available for forestry uses is changing rapidly, especially for insecticides and fungicides. Several pesticides which were considered critical for some forest pest management programs are no longer available; others are still available but with significantly altered application rates, methods, reentry intervals, and use patterns. Additional registrations are currently under review and their future is difficult to predict. The processes that caused these changes are still in play, resulting in uncertainty regarding the availability of products in the future. There are opportunities for pest managers to play a critical role in maintaining registrations of forestry pesticides.

Keywords: reregistration, FIFRA, FQPA, pesticides

The Federal Insecticide, Fungicide, and Rodenticide Act, and the Food Quality Protection Act

In 1988 the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) was amended in an effort to accelerate the reregistration of pesticides registered prior to 1984. The amendment requires registrants to develop and submit data to support the reregistration of an active ingredient; this review of all data is submitted to the US Environmental Protection Agency (EPA). Reregistration requires a thorough review of the scientific database used to support a pesticide registration. Additional purposes of the review are: 1) to reassess the potential hazards resulting from currently registered uses and application rates; 2) to determine if there is a need for additional data on health and environmental effects; and 3) to determine if the pesticide meets the criteria of causing "no unreasonable adverse effects" required by FIFRA.

The Food Quality Protection Act of 1996 (FQPA) amended FIFRA to require reassessment of all existing tolerances. It is designed to protect women, children, and infants from adverse effects of pesticides and was effective immediately on signing by the President. The act requires that EPA complete, by 2006, the review of all tolerances in effect as of the date FQPA was enacted. The FQPA also required an assessment of cumulative effects of chemicals with a common mechanism of toxicity, and introduced the concept of the reference dose, or "risk cup."

FQPA Review Process

There are 6 phases in the FQPA review process. The review process for the organophosphate insecticides serves as the model.

Phase 1 (30 days)—Registrant "Error Only" Review

EPA sends human health and ecological risk assessments to the technical registrant(s) of the pesticide for a 30-day error correction review, asking them to identify and correct any computational or other errors. Soon after, EPA sends risk assessments to USDA/other Federal agencies for their review and comment.

Phase 2 (up to 30 days)—EPA Considers Registrants' Comments

EPA considers errors identified by the registrant(s) and corrects the errors as appropriate. EPA considers comments from the USDA and other Federal agencies, and transmits an overview summarizing the risk assessments to the agencies. EPA completes the risk assessments for public release.

Phase 3 (60 to 90 days)—Public Comment on Risk Assessments and Risk Characterization

EPA publishes a Federal Register (FR) notice announcing availability of the risk assessments and related documents from the public docket and EPA Web site, and opens a 60- to 90-day comment period. Federal, state, and tribal agencies engage stakeholders in dialogue on risk assessment/characterization.

Phase 4 (up to 90 days)—EPA Revises Risk Assessments, Develops Risk Reduction Proposals

EPA considers public comments received during Phase 3, revises the risk assessments, and develops risk reduction proposals. EPA briefs other federal agencies, and states and tribes (often through a regulatory partners conference call). EPA also participates in USDA-led stakeholder conference calls. EPA and USDA may host a technical briefing and/or stakeholder meetings to discuss the revised risk assessments and risk reduction proposals. The Federal agencies may begin a dialogue with stakeholders on benefits and transition.

Phase 5 (60 days)—Public Comment on Risk Reduction

EPA publishes an FR notice announcing availability of the revised risk assessments and response to comments. EPA also releases and invites public comment during the next 60 days on risk reduction options, a qualitative use impact discussion (when EPA has identified risks of concern), and a discussion of potential transition issues. The public is encouraged to suggest risk management proposals. Federal agencies begin a dialogue with stakeholders on risk reduction and risk management.

Phase 6 (up to 60 days)—EPA Develops Final Risk Management

EPA considers comments and risk management ideas submitted during Phase 5. With input from other agencies, EPA develops a risk management decision. EPA releases the decision, including benefits discussions/assessments as needed. USDA may issue a transition strategy.

One of the major concerns voiced by growers of minor use crops is that registrants will bargain away registrations for these crops in order to ensure inclusion of major uses into the risk cup, since all nonoccupational sources of pesticide exposure must be evaluated under FQPA.

Pesticide Reregistration Terms _____

Several terms are important to understand if we are to fully appreciate the reregistration process. The Reregistration Eligibility Decision (RED) summarizes EPA's risk assessment conclusions and outlines any risk reduction measures necessary for the pesticide to continue to be registered in the US. The Interim Reregistration Eligibility Decision (IRED) is issued for a pesticide undergoing reregistration that requires a RED and needs a cumulative risk assessment. The IRED may include taking risk reduction measures, such as reducing risks to workers, and removing uses the registrant no longer supports in order to gain benefit of the changes before the final RED can be issued. A Tolerance Reregistration Decision (TRED) reports on tolerance reassessment progress and interim risk management decisions. It is issued for pesticides that require tolerance reassessment decisions, but which are not subject to reregistration for one of several reasons.

Reregistration reviews can result in one or more of several possible situations: there may be no changes in the registration or label; some uses may be deleted; and/or application rates, timing, method of application, and annual application rates may be changed. In addition, some reregistration reviews have resulted in significant changes in the type and amount of personal protective equipment (PPE) required, as well as changes in the reentry interval (REI). In extreme situations, registrants have requested cancellation of registrations rather than accept changes required by the RED.

Many pesticides of interest to forestry have undergone reregistration review or will undergo review in the future. The EPA Web site (<http://www.epa.gov/pesticides/reregistration/candidates.htm>) lists the agency's planned actions for FY 2003 to 2004. There are 20 candidates for REDs in FY 2003, and 23 in FY 2004. There are 6 candidates for IREDS in FY 2003, and 4 in FY 2004.

Helpful Hints _____

There are some "notes to the wise" that may be helpful. EPA and the registrants have begun contacting growers individually regarding worker exposure issues for some products, and can be expected to continue this effort. Be absolutely certain to mix and apply all pesticides exactly in accordance with label instructions. Use the EPA Web site (<http://www.epa.gov/pesticides>), reviewing it regularly for issues that may affect your interests. Carefully review labels of the products you use and be sure they reflect what you actually do, not what you could do. Look especially at rates, timing, frequency, method(s) of application, and role in relation to IPM-based pest management programs. Identify alternative pesticides; develop market analyses and benefit statements. Communicate your needs to the registrant and be prepared to help defend the uses you are interested in. Be proactive rather than reactive.

The reregistration of pesticides is a complex and long term process. Minor uses, such as forestry and nurseries, are especially vulnerable to loss unless the importance of their use is made clear to registrants and the EPA. Pest managers can play a critical role in ensuring that important pesticide registrations are not lost.