



BEYOND PESTICIDES

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December 3, 2004

Environmental Protection Agency (7502C)
Office of Pesticide Programs
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001
Submitted electronically to: opp-docket@epa.gov

RE: Public Comments for Docket ID number **OPP-2004-0205**

We appreciate the opportunity to comment on the EPA's White Paper entitled "The Globally Harmonized System of Classification and Labelling of Chemicals: Implementation Planning Issues for the Office of Pesticide Programs." These comments are submitted on behalf of Beyond Pesticides and its national membership and network of partners. Beyond Pesticides is a national, non-profit grassroots organization that advocates for strong policy to protect human health and the environment from hazardous pesticides and the adoption of alternative pest management strategies that reduce or eliminate a dependency on toxic chemicals.

In an effort to increase international consistency in hazard classification and labeling for pesticide and other chemical products and create greater clarity and understanding of the hazards of pesticide products, the world has embarked on the harmonization of hazard information and labeling under the leadership of the United Nations Economic and Social Council.¹ EPA's White Paper essentially describes the agency's proposed approach to implementing the GHS system for pesticide products that are registered under the *Federal Insecticide, Fungicide and Rodenticide Act* (FIFRA).

In reviewing EPA's White Paper, we first would like to offer kudos to the agency not only for providing good information for the public to review, assess and understand the differences between GHS and OPP policies, but also for seeming to welcome the adoption of some of the clearer, and therefore more protective, GHS policies. Our comments address five overall issues:

- (1) Additional elements for label changes proposed by the agency
- (2) Consistency with GHS does not automatically mean sufficient protection is awarded the user, therefore a great need still remains for better disclosure of all product ingredients on the label;
- (3) GHS call to include telephone numbers should be adopted by EPA
- (4) Comments on implementation of the GHS *Option 2*; and
- (5) Missing discussion of international disclosure and consequent protection provided by the labeling system for severely restricted, banned or discontinued pesticides.

¹ See U.N. ESC July 2003 text at <http://www.unece.org/trans/danger/publi/ghs/officialtext.html>

(1) “Specific considerations by hazard class

For the most part, we support the agency’s proposals to revise its policies to align with GHS signal words and symbol warnings for acute toxicity, skin and eye corrosion/irritation, skin sensitization, aquatic toxicity, and flammability. In these areas, there are some points that need further adoption.

Skin and Eye Corrosion/Irritation

We favor EPA’s move to provide better protection from skin corrosives as provided by the GHS using the Category 1 corrosion symbol and the expanded hazard statement and the Category 2 exclamation point. In line with such thinking, EPA should also convert to the GHS model to **use the corrosion symbol for eye damage**. For consistency, EPA should also **include the symbol provided by GHS for irritants in Category II**, along with the signal word “warning.”

To provide better international consistency and protection, we believe **EPA should adopt the GHS signal word “warning” for all chemicals that cause irritation**, regardless of whether irritation is severe or moderate. We also believe that EPA’s version of using three irritant categories: severe, moderate, or mild/slight/no irritation, provides clearer and better protection and should be retained (i.e. provides a floor of protection) rather than adopting the two subcategories in the GHS model of “irritant” and “mild irritant.”

Aquatic Toxicity

We welcome EPA’s adoption of the GHS categories 1-3 acute toxicity. **However we feel that the time to account for chronic toxicity is well overdue and that the agency must take this opportunity to finally upgrade it’s warning system by adopting in full the GHS categories for chronic aquatic toxicity.** The risk assessment process affords the necessary information (acute toxicity + persistence) to easily adopt the change. The agency is well aware that there is discontentment over the varying hazard statements for individual active ingredients and/or pesticides and it has been suggested that these statements be more consistent across the board.² The GHS system offers a simple way to do this. However, due to specific data information the agency may have, it is also important that the label include and/or retain expanded all hazard statements as they have been assessed. (For example, additional hazard statements based on risk assessment may specify the need for buffer zones from waterways or other areas where sensitive species may be present.)

(2) Need for better disclosure: Consistency with GHS does not equal protection

In the White Paper, EPA states that because GHS provides national (CBI) policies to take precedence, then OPP is consistent with GHS disclosure policies. The public interest community has pressed the agency to adopt better disclosure policy for decades. Finally an opportunity for the agency to do so has arisen under the GHS, and yet the agency still refuses to improve disclosure of ingredients on pesticide labels that would serve to better protect public health and environment. The entire public interest community agrees that it is vital for pesticide users and

² See discussion in: Draft Pesticide Registration (Pr) Notice 2004 –XX. “Labeling Statements On Products Used For Adult Mosquito Control,” Docket ID number OPP-2004-0018-0005.

consumers to have full access to all of the constituents of pesticide formulations, both active and inert ingredients, on the product labels.

Here are some compelling reasons why EPA should take steps to implement a new labeling requirement that makes listing of inert ingredients mandatory and should also subject the entire pesticide formulation, both active and inert ingredients, to all of the toxicological and ecological effects testing required for registration of a pesticide.

- In the U.S., ‘other’ or ‘inert’ ingredients make up 95% of almost three-fourths (72%) of over-the-counter pesticide products.³
- Of the over 2300 substances EPA believes are used as “inerts”, most (over 1700) are classified as “of unknown toxicity,” 50 as highly toxic with known carcinogenicity, neurotoxicity, adverse reproductive effects, birth defects or other chronic effects, and 60 as potentially toxic.⁴
- In a 1995 list of inert ingredients, 394 chemicals were listed as active ingredients in other pesticide products.⁵
- More than 200 chemicals used as inert ingredients are considered hazardous pollutants and/or hazardous waste under federal environmental statutes or by federal agencies such as the U.S. The Agency for Toxic Substances and Disease Registry.⁶

Only with full disclosure of both active and inert ingredients as well as knowledge of the toxicological effects of full pesticide formulations can human and environmental health be adequately protected.

(3) GHS call to include telephone numbers should be adopted by EPA

OPP currently requires supplier names, addresses and establishment numbers on pesticide product labels in order to identify pesticide suppliers. As a national public interest pesticide organization, we can assure the agency that the medical community, farmworker community and various other segments of the pesticide user community have had difficulty reaching the pesticide supplier – even in cases of emergency. As required by law, the supplier must disclose all product ingredients to a doctor if the doctor has a patient who has been possibly poisoned. For numerous reasons however, we are constantly told how a medical doctor was unable to contact the supplier. With the telephone number provided (at no additional cost or hassle to the supplier), lives could be saved and severity of poisonings reduced. We fully support the GHS call for supplier telephone numbers to be listed on label products. In this context, we define supplier as the product manufacturer.

³ Spitzer, E., Attorney General of NY, *The Secret Ingredients in Pesticides: Reducing the Risk*. 2000. Abrams, R., Attorney General of NY, found 90% instead of 95%. June 1991.

⁴ EPA. “List of Inert Pesticide Ingredients,” Office of Pesticides and Toxic Substances, 1998. The following chemicals are included on List 3 – Inerts of Unknown Toxicity and are cleared for use as inert ingredients: coal tar, naphthalene, 1,1,2,2-Tetrachloroethane, acetone and benzene. EPA classifies coal tar as a probable human carcinogen.

⁵ Spitzer, E., Attorney General of NY, *The Secret Ingredients in Pesticides: Reducing the Risk*. 2000.

⁶ EPA. Inert Ingredients In Pesticide Products. OPP-36140. <http://www.epa.gov/opprd001/inerts/fr52.htm>

(4) Comments on implementation of the GHS - *Option 2*

The agency is suggesting that the implementation of these label changes be conducted as part of the registration and reregistration process between 2006-2008. We agree that economically that makes the most sense for an agency that is already suffering tremendous budget cutbacks due to the current administration. However, we add two important points.

The GHS changes should not in any way be limited only to the registration and reregistration process. As it is highly likely that the reregistration process will not be completed by 2008, and since there will be a backlog of changes to make for products that are currently being registered, we argue that ***any change to a label (either EPA-initiated or otherwise) should automatically trigger a GHS review, regardless of the change.*** The agency is also strongly requested to ensure that the GHS review process, including all processes in a pilot project, is announced in the Federal Register, given a public comment period and docket identification number, and incorporated into the edocket system.

(5) Missing discussion of international disclosure of severely restricted, banned or discontinued pesticides.

As with any document, what is not written or discussed is just as important as what is written or discussed. In this case, the agency's White Paper failed to make any mention of the need to improve the risks to human health and environment created by the U.S. export of pesticides that have been severely restricted, banned, or otherwise discontinued in this country.

The reality is, labels are important but they are not enough. Labels are only as effective as the regulatory agency that enforces them. EPA is well aware that there exists a high failure rate of label compliance (particularly among homeowners) and we cannot assume 100 per cent compliance with sometimes complicated risk mitigations (such as varying reentry interval periods, etc.). Particularly in this environment of global terrorism and in this age of globalization, it is all the more important that governments and businesses alike take responsibility for the effects of their policies and products as they play out overseas. EPA must prohibit the export of U.S. manufactured pesticides that have been severely restricted or banned due to the high risk of harm to human health or the environment. Although some will argue that preventing the sale of discontinued pesticides is paternalistic or an infringement of sovereignty, we argue that it is simply holding manufacturers accountable for the effects of their products no matter where the products are applied.

In the interim, we ask that the agency at minimum adopt full label disclosure of the status of the pesticide (i.e. banned, severely restricted, or discontinued). Such status indication at least provides a red flag to the user and should be accompanied by the pesticide's hazard contents — particularly those hazards that prompted the action. As many countries do not have adequate risk analysis systems or the infrastructure to train and enforce label compliance — it is vital to disclose on the label that the product has been deemed too hazardous for use in the U.S.

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