



## **BEYOND PESTICIDES**

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November 13, 2006

Office of Pesticide Programs (OPP)  
Regulatory Public Docket (7502P)  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: CSPA Petition to Amend Certain FIFRA Section 25(b) Pesticide Products; EPA-HQ-OPP-2006-0687-0001

Dear Madam/Sir:

Beyond Pesticides appreciates the opportunity to comment on the Consumer Specialty Products Association, Inc. (CSPA) petition regarding minimum risk 25(b) pesticides. Beyond Pesticides' interest in this issue lies in our mission to seek to restrict pesticide use in a manner that protects public health and the environment, and advance alternatives that eliminate dependency on toxic chemicals.

We support the intent of FIFRA Section 25(b) and the testing exemption for pesticide formulations whose compositions are known to not adversely affect human health or environmental effects. The full disclosure of all product ingredients is an essential aspect of the standards governing this provision. In effect, this provision enables easier market access than conventional toxic products that require restrictions and use limitations because of the adverse impact that they have on health and the environment. In implementing Section 25(b), EPA must be careful to facilitate access to the market, enforcing against misleading product claims.

The CSPA petition raises several important points that EPA should take into consideration for all conventional and "minimum risk" pesticides. Efficacy testing is necessary for products whose labels or advertising suggest public health protection, such as protection from West Nile virus. On this point, current efficacy testing reviews by EPA are not adequate and deserve much more attention in the regulatory process. It must also be noted that the pesticides for which manufacturers make public health claims should not be excluded in EPA's chemical exposure calculation when setting regulatory standards such as tolerances or allowable residues.

Beyond Pesticides disagrees with CSPA's request that minimum risk pesticides should be singled out in this effort, especially for a program that is intended to provide incentives for moving toward less toxic products. Beyond Pesticides asks EPA not to discriminate against minimum risk pesticides, but instead to require realistic efficacy testing for *all* pesticides that make a public health protection claim.

In applying efficacy testing requirements for *all* pesticides, Beyond Pesticides asks EPA to take into account factors such as vector resistance and immune suppression, which can counteract control efforts.

CSPA does not have a case for prohibiting label claims for insects that may be associated with public health threats. For example, species of mosquitoes and ticks, of which certain varieties are disease vectors, are often managed for reasons other than disease. Therefore, Beyond Pesticides suggests for products that have not been subject to efficacy testing review by EPA an alternative labeling solution that requires the following label statement: *EPA does not typically evaluate pesticide products for product efficacy and this product has not been evaluated by EPA for protection against diseases associated with the target insect(s) for which this product is registered.* Again, we stress this policy should be applied to *all* pesticides.

In conclusion, Beyond Pesticides feels the CSPA petition brings up some valid issues regarding pesticide regulation as a whole, but is inappropriate, discriminatory against 25(b) pesticides, and runs contrary to the intent of the statutory provision. While Beyond Pesticides asks EPA to reject the CSPA petition, we also ask the agency to apply realistic efficacy testing and accurate labeling requirements to all pesticides.

Thank you for your consideration of our comments.

Sincerely,

Jay Feldman  
Executive Director

Laura Hepting  
Special Projects Coordinator