

Chlorpyrifos

Continued from page 1

and Organophosphates are one of the first groups to undergo renewed scrutiny. The risk assessment that determines the "risk cup" for chlorpyrifos was released by the EPA in October and is open for a 60-day public comment period.

"This is the most significant change in pesticide laws since

the original Federal Insecticide Rodenticide and Fungicide Act of 1972," said Tim Maniscalco, manager of government and public affairs for Dow AgroSciences. "FQPA sets new standards for how pesticides are evaluated and assessed, in particular, the EPA now looks at the aggregate or potential exposure from a pesticide."

The risk cup is quantified by the accumulation of every potential exposure to chlorpyrifos. "If

the risk cup runs over, the EPA has to look at mitigating or reducing certain uses," said Maniscalco.

While Maniscalco and other industry leaders agree with the risk cup concept in principal they question how accurately the EPA is measuring these exposures.

"It is easy to measure exposure when it comes to food," said Maniscalco. "But when you look



at non-ag uses it gets hard. There really hasn't been enough good science done to date and the EPA meanwhile has been using worst-case default assumptions to formulate their estimations."

Dow AgroSciences has submitted data to the EPA in order to balance the risk cup, but this data cannot be compiled overnight, said Maniscalco. "There

have to be standards, the EPA has to let us know what tests they want us to run," said Maniscalco.

In order to protect the industry and to ensure that sound science and data are being used in the risk assessment process, legislation has been introduced in the House and the Senate. "The Regulatory Fairness and Openness Act of 1999 would alter the process of FQPA by forcing the EPA to use real data when available," said Allen James, executive director for Responsible Industry for a Sound Environment. "Companies have been providing data to the EPA that the agency has not taken the time to study. These bills have already put significant pressure on the EPA."

According to Jack Housenger, associate director of the special review and re-registration division for the EPA, his department has taken Dow's data on chlorpyrifos into account and feels that the risk assessment is more refined than previous efforts. "We didn't have to use default assumptions as much with this because we had actual data," said Housenger. "We have tried to put out a refined assessment first so that people can see the assumptions that went into it and comment back."

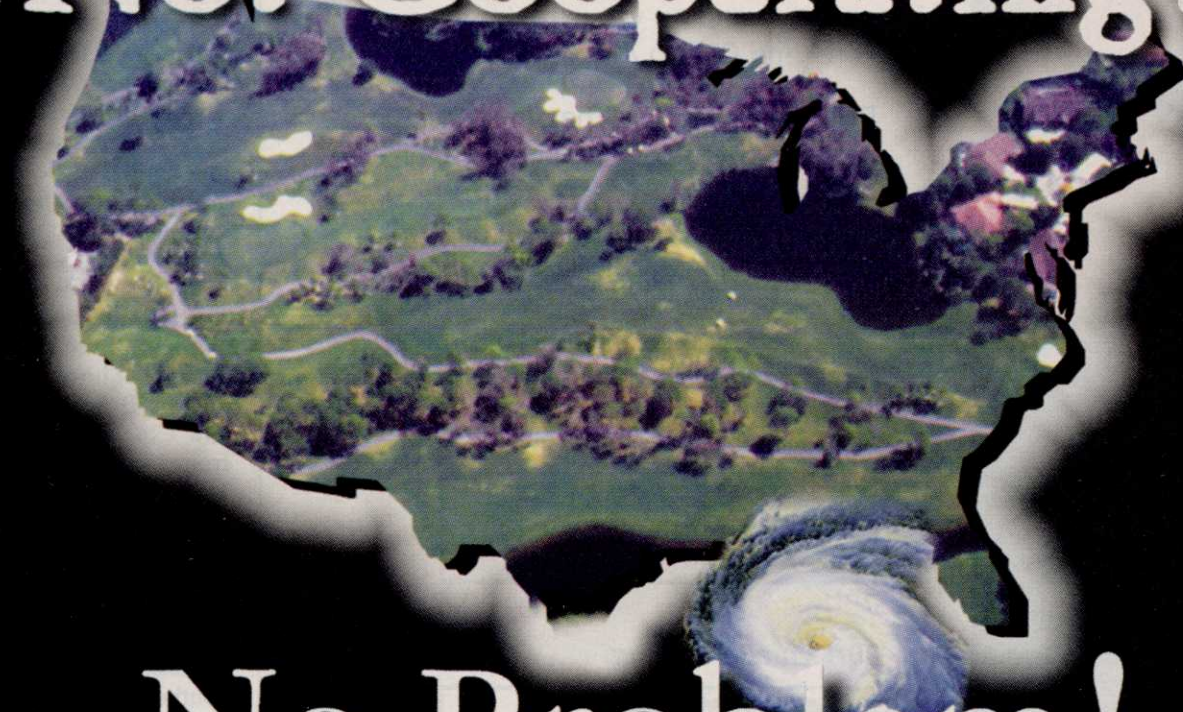
The public comment period is especially important said Maniscalco because it provides superintendents a seat at the negotiating table. "Under statute, the EPA has to consider the risks and the benefits of a particular use," said Maniscalco. "They have already weighed down the risk side of the scale. The best thing for the use community to do now is to let the EPA know why the compound is important, how it is used and what the benefits are. Because if the EPA doesn't hear about benefits they will assume that there aren't any."

Housenger admits that the process of weighing the benefits has changed under FQPA. "We used to look at benefits as well as risks when we were evaluating tolerances," said Housenger. "Now we use benefits to determine which uses are the most beneficial in deciding which uses may need to be modified or canceled to get within the risk cup."

Once the public comment period is complete, the EPA will release a revised risk assessment that will be followed by another 60-day public comment period. The reassessment could result in label modifications, rate reductions and use restrictions.

And chlorpyrifos is just the beginning. "This is one of the first turf and ornamental products to go through the process," said Maniscalco. "All of them will go through FQPA at some point along the way." ▶

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