

# TO OUR READERS

While in Washington gathering material for our EPA story (see page 12), I spoke with several EPA officials including Stanley W. Legro, EPA Assistant Administrator for Enforcement.

Mr. Legro had recently spoken at the Arborists' National Meeting and, after a brief discussion, agreed his thoughts, presented there, were applicable to all of us involved in the Green Industries.

In fairness, we turn over our editorial space this month to Mr. Legro who has graciously prepared these thoughts for us on where the EPA enforcement branch and the Green Industries stand today.

You are environmentalists in the finest sense. Proper use of pesticides and fungicides is an environmental plus in that it helps to protect and preserve trees and other greenery which are of vital importance to maintaining a high quality environment, particularly in our urbanized areas.

## **Benefits of mutual cooperation**

There are great benefits to be obtained from our mutual cooperation. This can help us to avoid unnecessary controls and to reduce regulation. By having effective requirements for training for use of dangerous pesticides under the certified applicator program, we can help to insure maximum availability of pesticides to you and to others who are qualified to use them. Many of you are leading citizens in your communities and take pride in the professional standards of your work; EPA wants to cooperate with you to regulate those who do not hold the same high standards, to keep your profession from unfairly getting a bad name and to avoid unnecessary regulation of the many of you who are well qualified to prevent abuses by those who are not.

## **A brief look at the structure of FIFRA**

In simple terms, the Agency's program to control the use of pesticides and fungicides involves three elements: determination that a pesticide can be sold; a determination of the contents for the label; and insuring that the pesticide is used in accordance with the label.

The registration process reviews the efficacy and benefits to be obtained and balances those against the risk of harm. The risk assessment includes toxicity, use patterns and controls, and persistence of the pesticide. After doing a risk vs. benefit analysis, a decision is made either that the pesticide cannot be registered at all or that it can be registered for specific target pests under specified conditions. If it is registered, it can be registered for restricted use only by certified applicators, or it can be registered for general use by the public. A label must be placed on each pesticide container describing the contents and the manner in which it must be used.

The responsibility of our enforcement programs, carried out through our own small staff of consumer safety officers and in cooperation with state officials, consists of insuring that unregistered pesticides are not made or used and that registered pesticides are formulated and labeled in accordance with their registration and used in accordance with the label. Where a misuse occurs, a careful evaluation by our Pesticides Misuse Review Committee is conducted before determining what action to take.

## **Pesticide Enforcement Policy Statements (PEPS) and guidance**

In close cooperation with state officials and other interested persons, we have prepared PEPS and Guidance to enable us to achieve the goals of the Act while at the same

time avoiding unnecessary regulatory burdens which do not produce positive results. For example, among the PEPS we have issued is PEPS No. 5, providing for use of pesticides against nontarget pests in agricultural and other nonstructural pest control areas. This PEPS would enable you under the circumstances described in the PEPS, to use a pesticide under the appropriate circumstances for pests not listed as target pests on the label where that would be environmentally sound and avoid undue cost and inconvenience. Another example is PEPS No. 6 dealing with service containers in the structural pest control industry. You should read each PEPS closely to determine the exact conditions. Copies are available to you.

## **Future outlook**

We are considering the possibility of either expanding PEPS No. 6 or preparing a new PEPS to provide for use and labeling of service containers in your industry. We would look forward to your suggestions and cooperation in this regard as well as with respect to other suggestions you may have as to areas where PEPS are appropriate. In another area of future interest to you, because of policy reasons and resource constraints, we plan to conduct use inspections in only a very small number of cases. In setting our priorities of whom to inspect, we will be looking at voluntary submissions that those in the industry make regarding their training programs. Obviously it would not make sense for us to spend many resources inspecting those who have adequate training programs. Accordingly, I believe that leaders in your industry can help us to determine what constitute adequate training programs. We can work together in this regard to ensure environmental quality of pesticide use and to direct use inspections where they are most needed. □