



# CropLife America Spray Drift Resources

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Commodity Coffee

February 19, 2010



## What you can do – Sign the Citizen Petition

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Sign CropLife America's Citizen's Petition regarding EPA proposed changes on drift policy that will negatively affect Agriculture.

We encourage you to send this link to your membership as well. Please sign by going to <http://www.gopetition.com/online/33776.html>





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## Defend American Farmers Against Frivolous Lawsuits

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**Category:** Environment

**Region:** United States of America

**Target:** US Environmental Protection Agency



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### Background (Preamble):

Defend American Farmers Against Frivolous Lawsuits, Loss of Cropland due to Unnecessary Buffers, and Unnecessary Delays in Harvesting

Farmers are being attacked by radical environmental organizations who want to restrict the use of vital crop protection products that you use on your farm. These groups have petitioned the Environmental Protection Agency (EPA) to impose specific no-spray zones, or buffers, claiming they will add additional protection for children. And EPA is proposing changes to the way occupational risk to farm workers (and supposedly their small children who have been brought into the fields) is evaluated that would increase re-entry times post pesticide applications from a few hours to multiple days, which would dangerously delay harvesting. No one cares more about protecting children than the family farmer. These efforts to take farmland out of production and stop the use of pesticides are scientifically unjustified.

EPA is also targeting farmers through a proposal to add a general spray drift statement to pesticide labels. The phrasing of this general drift statement is dangerously broad and sets an unachievable zero drift standard that could prompt enforcement actions and frivolous tort lawsuits by disgruntled neighbors or employees. Preventing every molecule of a crop protection product from drifting is technically impossible.

We, the undersigned, believe: Protection of human health for adults and children and of the environment is best accomplished through a Federal Insecticide Fungicide and Rodenticide Act (FIFRA) approved and enforced label for the pesticide product, which includes Directions for Use that are based upon a risk assessment and incorporates mitigations and application techniques designed to minimize drift.

Vague language such as "could cause" or "may cause" adverse effects does not belong on a pesticide label because it is NOT in accordance with the FIFRA risk-based standard of "no unreasonable adverse effects" and it forces state regulators into the role of risk assessor to determine what 'may or could' cause an effect, which they are not trained to do and is the role of EPA.

EPA's guidance on how to enforce the proposed drift label language sets an unachievable zero drift standard and sets the stage for frivolous tort lawsuits and enforcement actions against farmers.

For further information, go to:  
<http://www.croplifeamerica.org/pesticide-issues/spray-drift>

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### Petition:

We urge the EPA Office of Pesticide Programs to:

1. NOT impose unnecessary buffers that would reduce cropland available for American agriculture.
2. Develop a bystander exposure scenario for the risk assessment in the pesticide registration process;
3. Develop risk-based tolerances for non-target property.
4. Maintain the FIFRA risk-based standard of "no unreasonable adverse effects".
5. Acknowledge that some small level of pesticide drift is unavoidable (in some cases) and does not pose an "unreasonable adverse effect";
6. Acknowledge that the mere detection of a pesticide off-target does not pose an unreasonable adverse effect and is not a violation of FIFRA that requires an enforcement action.
7. Remove the new hazard-based standard of "harm" from the Drift Pesticide Registration Notice.
8. Remove the vague, unenforceable, and unmanageable concepts of "could cause" or "may cause" adverse effects or "harm" from the Drift PRN.
9. NOT apply an additional unnecessary factor of 10 in the occupational exposure scenario.

[Sign the petition](#)

The Defend American Farmers Against Frivolous Lawsuits petition to US Environmental Protection Agency was written by Croplife America and is hosted free of charge at GoPetition. Contact author [here](#).

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# What you can do: Submit Comments

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Go to [www.regulations.gov](http://www.regulations.gov) and submit comments on three Federal Register Notices. Search by docket number.

Federal Register Notice “Petition to Protect Children from Pesticide Drift” [74 FR 57168, 11/4/2009, Docket No. EPA-HQ-OPP-2009-0825].

Federal Register Notice entitled “Draft Guidance for Pesticide Registrants on Pesticide Drift Labeling” [74 FR 57166, 11/4/2009, Docket No. EPA-HQ-OPP-2009-0628]

**Deadline is March 5, 2010**

Federal Register Notice entitled “Revised Risk Assessment Methods for Workers, Children of Workers in Agricultural Fields, and Pesticides with No Food Uses,” [74 FR 65121, 12/9/2009, Docket No. EPA-HQ-OPP-2009-0889].

**Deadline is April 12, 2010**



# What you can do – Encourage Others to Share Comments (Draft Letter)

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Your Letterhead

Date

US Environmental Protection Agency  
Regulatory Public Docket (Mail Code 7502P)  
Docket EPA-HQ-OPP-2009-0628  
Office of Pesticide Programs  
1200 Pennsylvania Ave. NW  
Washington DC 20460-0001

RE: Draft Guidance for Pesticide Registrants on Pesticide Drift Labeling (EPA-HQ-OPP-2009-0628)

My name is \_\_\_ and I work for \_\_\_\_\_. I am interested in this issue because \_\_\_\_\_ (pick a talking point to focus on. For example, “I spray pesticides safely for a living and I utilize the best techniques available. Without the pesticides I apply, agricultural production would be severely limited.)

I believe in standards that are measurable and utilize a science-based approach regarding pesticide application. We have several major concerns with this rule including \_\_\_\_\_. (pick a talking point)

I encourage EPA to maintain FIFRA’s risk-based standard of “no unreasonable adverse effects” and \_\_\_\_\_ (include more talking points from the list of what we want EPA to do)

Sincerely,

Your Name

cc: Your United States Congressperson  
Senator 1  
Senator 2



# For More Information

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CropLife America White Paper on Spray Drift

CropLife America Talking Points

Find additional information on CropLife's website at:

<http://www.croplifeamerica.org/pesticide-issues/spray-drift>

