

37 / OPP#34211

PP



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 7 1999

3PP

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Mr. Ronald Landis, Ph.D.
Landis International
3185 Madison Highway
Post office Box 5126
Valdosta, GA 31603-5126

Dear Mr. Landis,

Re: TPTH - RED SETTLEMENT

We have reviewed the attached one-page fax you sent on Friday October 1, outlining the registrants' understanding of the amendments to be made to the TPTH registration.

Overall, the faxed page captures EPA's basic understanding of the amendments that will be made. However, I just wanted to clarify how a couple of points will be treated in the RED for the record:

- (1) Definition of Water: We would expand "natural bodies of water" with the following language: "Do not apply with aircraft within 300 feet (or alternatively, "with groundboom equipment within 100 feet") of any natural water body, including, but not limited to wetlands, streams, rivers, ponds, lakes or reservoirs."
- (2) Feeding Restriction: Under our guidelines (OPPTS §860 guidelines, see page 23), we have determined that a feeding restriction on sugar beet tops would cause economic hardship to sugarbeet farmers and therefore cannot assume that farmers will comply with such restriction. However, since there is a feeding restriction currently on the label, our risk assessment will reflect that our risk estimate is a likely over-estimate of dietary risk since the feeding restriction is an enforceable restriction even if some farmers were to violate the label restriction.
- (3) Tiered Approach to Water Monitoring: As we discussed in last week's conference call, we agree that it is appropriate for the Agency to first review studies on field dissipation, aerobic and anaerobic aquatic metabolism, and aerobic soil metabolism in order to determine whether TPTH or its degradates are likely to get into water, and their fate if they get to water. Based on these studies, the Agency would make a determination

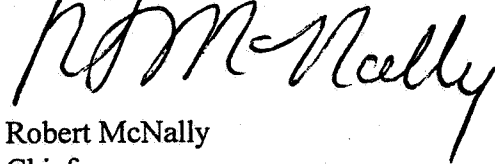
123

whether a water monitoring study is required, and if so, would call in such study under FIFRA §(3)(c)(2)(b).

- (4) Labeling: Our understanding is that any product which has not already been produced and labeled as of the date of this RED will require the new amended labels in order to implement these changes for the 2000 use season. EPA understands that it will be necessary to expedite the review and approval of these labels, and will commit to do so within 2-3 weeks of receipt of such labels. The registrants need to submit the labels with sufficient time to the Agency, and with sufficient prior quality control, not to adversely impact their production schedule.
- (5) Product Reregistration: Please be aware that approval of amended labels does not constitute final product reregistration. Product reregistration will occur when the 8-month response is submitted and reviewed, and draft labeling submitted with that data is accepted.

If you have any further questions or concerns about the above clarifications, please feel free to call Nancy Zahedi at (703) 308-8022.

Sincerely,



Robert McNally
Chief
Special Review Branch

To: Nancy Loan: Please confirm my accuracy. Ray

TPTH - RED SETTLEMENT

GENERAL:

- The TPTH RED will issue on October 11, 1999.
- There will be a 90 day comment period.
- The Agency will expect all label changes prior to the end of the comment period and will expedite the amended labels through RD.
- There will be no concurrence document for the registrants to sign.

ALL CROPS:

- Buffer zones will be 100 feet by ground and 300 feet by air from natural bodies of water.
- Enclosed cabs will be required for applicators and flaggers.
- An exposure study will be provided by the Task Force.
- The number of applications will be the same as is on the current labels.
- The Agency will explain the dietary risk issue by pointing out that 99% of dietary risk is a result of theoretical but not actual feeding of sugar beet tops treated with TPTH.
- Water monitoring will not be mentioned *per se*, but the requirements for the field dissipation aerobic aquatic metabolism and batch equilibrium studies will be included in the RED as confirmatory that there is not a drinking water concern with TPTH.
- Within normal considerations given to product, labels, and literature in commerce at the end of the present 1999 season, the new product labels and risk reduction measures will begin in 2000.

PECANS:

- A PHI of 30 days will be established.
- The label will be modified to allow a maximum seasonal use of 24 ounces ai/acre (30 oz formulated 80 WP) west of Interstate 35 and a maximum of 36 ounces ai/acre (45 ounces formulated 80 WP) east of Interstate 35.

POTATOES:

- The label will be modified to allow a maximum seasonal use of 9 oz ai/acre (11.25 oz formulated 80 WP).

SUGAR BEETS:

- The label will be modified to allow a maximum season use of 8 oz ai/acre (10 oz formulated 80 WP) in all states except MN, ND, and MI, where the maximum seasonal use allowed will be 12 oz ai/acre (15 oz formulated 80 WP).