



April 23, 2010

Office of Pesticide Programs (OPP)
Regulatory Public Docket (7502P)
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460-0001

Re: OMB Watch Comments on Docket ID No. EPA-HQ-OPP-2009-0635
Public Availability of Identities of Inert Ingredients in Pesticides

Dear Sir/Madam:

OMB Watch is submitting these comments on the advance notice of proposed rulemaking (ANPRM) that would provide to the public the identities of inert ingredients in pesticide products, 74 Fed. Reg. 68215–68223 (December 23, 2009).¹

OMB Watch is a nonprofit research and advocacy organization whose core mission is to promote government accountability and improve citizen participation. Public access to government-held information has been an important part of our work for more than 20 years, and we have both practical and policy experience with disseminating government information. For example, in 1989, we created the Right-to-Know Network (RTK NET), an online service providing public access to environmental data collected by the U.S. Environmental Protection Agency (EPA). Ever since, defending and enhancing the public's right to know about environmental and public health threats has been a leading cause at OMB Watch. Additionally, we are engaged in agency regulatory processes and encourage agency rules to be sensible and more responsive to public needs.

OMB Watch strongly supports EPA's proposal to require labels of pesticide products to include the specific chemical identities of all inert ingredients. Labels should honor consumers' right to know each pesticide ingredient and its health and environmental hazards. Such information will enable consumers to make informed decisions about products used in and around the home and workplace. Better labeling will also encourage manufacturers to develop and market safer pesticide products. OMB Watch has signed on to comments submitted separately by a coalition of public interest groups that address in detail the several questions posed by the agency in the ANPRM. Therefore, we will not repeat those comments here. Rather, here we would like to focus our comments on question 3.i:

¹ <http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-OPP-2009-0635>.

3. Common issues. EPA also solicits comment on the following issues, which apply to both hazard-based and non-hazard-based disclosure:

i. Should disclosure of the inert ingredient identities be made elsewhere than on the label, such as in accompanying labeling materials, by a registrant-operated toll free telephone system, or on an EPA-maintained website? What information would be useful to provide on a website? What other alternative ways of communicating information to users about ingredients and safety of pesticides might be effective? What are the advantages and disadvantages of such alternatives?

The disclosure of ingredient identities must, at the very least, appear on the product label, and include the specific chemical name and the Chemical Abstracts Service (CAS) Registry Number for each ingredient. People are well accustomed to reading labels on food, cosmetics, and of course, pesticides, and they often regard labels as a convenient, reliable means for communicating the most important facts about a product. Beyond including the identities of inert ingredients, pesticide product labels should identify the health and environmental hazards of each ingredient.

Pesticide labels should identify health and environmental hazards of the ingredients, both active and inert, in a simple, easy-to-understand format. For example, the nonprofit organization Healthy Child Healthy World maintains a website that provides detailed information on the characteristics and risks of numerous chemicals.² The website uses the terms "Danger," "Warning," and "Caution," along with a red triangle, orange diamond, and yellow circle, respectively, to summarize the threat from the chemicals.

Alternatively, the Environmental Working Group's (EWG) Skin Deep website provides color-coded and numeric hazard ratings for cosmetic products and their ingredients, with green representing the lowest hazard, yellow a moderate hazard, and red the highest hazard, and "N/A" appears when insufficient data are available to make a hazard determination.³ EWG developed the rating system by combining known and suspected hazards associated with ingredients and products. Hazard ratings are shown using the color-coded low, moderate, or higher concern categories, combined with numeric rankings spanning those categories that range from 0 (low concern) to 10 (higher concern).

These are just two examples of effective, concise, easy-to-understand symbolism conveying hazard information to the general public. By requiring this information on product labels along with the chemical name and CAS number, EPA will allow product users to make better informed decisions to protect the safety of themselves, their families, their neighbors, and the environment.

As a complement to the use of symbols to communicate hazards, EPA should consider providing on the label a matrix that indicates the health and environmental hazard of each product ingredient. For example, ingredients that are known to cause birth defects, cancer, reproductive harm, or leach into ground water would show an "X" in the corresponding space. The matrix should also indicate for each ingredient when hazard data are unknown. One example of a

² Healthy Child Healthy World, Chemical Profiles, <http://healthychild.org/issues/chemical/>.

³ Environmental Working Group, Skin Deep Cosmetic Safety Database, <http://www.cosmeticsdatabase.com/>.

rudimentary matrix was produced in 2000 for the Toxics Release Inventory.⁴ This multi-color table has a check mark under the appropriate headings for each chemical. Column headings identify carcinogens, developmental toxins, reproductive toxins, environmental toxins, and other similar chronic and acute effects.

Inert ingredients should be classified on the label using the more appropriate term "other ingredients," as EPA has encouraged registrants to do via PR Notice 97-6.⁵ The agency recognized in releasing that notice that "many consumers have a misleading impression of the term 'inert ingredient,' believing it to indicate water or other harmless ingredients." Pesticide labels should not continue to confuse the public in this manner once inert ingredients are required to be listed.

Pesticide Information Website

The EPA should create and keep up to date a searchable, interactive public website that provides, in addition to the information appearing on the label, further information of use to the public. A website is a convenient, common, efficient way to allow citizens to gather as much ingredient information as is known. Such a website, which should be available in English, Spanish, and any other appropriate languages, should provide links to more detailed data on each chemical, such as the chemical profiles and related data available from the Agency for Toxic Substances and Disease Registry (ATSDR),⁶ Occupational Safety and Health Administration (OSHA),⁷ the Integrated Risk Information System (IRIS),⁸ and the National Pesticide Information Center (NPIC).⁹ The address of this website should be printed on the pesticide product label.

Similar to what should appear on the product label, a pesticide ingredient information website should provide easy-to-understand descriptions of the potential hazards of ingredients and include easily recognized symbols that convey hazard information. The agency should incorporate the most advanced interactive Web technologies to maximize the website's usability and usefulness.

The EPA has already demonstrated an interest in and ability to exploit new Internet technologies to create interactive websites that provide users with extensive search capabilities, valuable data visualizations, mapping capabilities, and easy connections to numerous datasets.¹⁰ Use of these technologies breaks down barriers to public access to government-held information and encourages the public to take a more active role in protecting the health of the environment on which we all depend.

⁴ See Table 1 - Toxicity Data by Category for Chemicals Listed under EPCRA Section 313, available on the EPA website: http://www.epa.gov/tri/trichemicals/hazardinfo/hazard_categories.pdf. For more information, see http://www.epa.gov/tri/trichemicals/hazardinfo/hazard_cx.htm.

⁵ Pesticide Registration (PR) Notice 97-6: Use of Term "Inert" in the Label Ingredients Statement. http://www.epa.gov/PR_Notices/pr97-6.html.

⁶ ATSDR Substances A-Z Listing, <http://www.atsdr.cdc.gov/substances/index.asp>.

⁷ OSHA Chemical Sampling Information, http://www.osha.gov/dts/chemicalsampling/toc/toc_chemsamp.html.

⁸ IRIS Advanced Search, http://www.epa.gov/ncea/iris/search_keyword.htm.

⁹ <http://npic.orst.edu/about.html>.

¹⁰ See, for example, EPA's MyEnvironment searchable website, <http://www.epa.gov/myenvironment/>.

We appreciate your consideration of our comments on this issue. Please do not hesitate to contact us at 202-683-4840 if you have any questions.

Respectfully,

Brian Turnbaugh
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