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DISPOSITION OF THE ENDRIN RPAR

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Following a comprehensive three-year Rebuttable Presumption Against Registration ("RPAR") review of endrin, on July 25, 1979 the U.S. Environmental Protection Agency announced its decision to continue federal approval of endrin for control of pine voles in the East and meadow voles in the West among other uses. See 44 Fed. Reg. 43,637-8. The Agency concluded that with additional safety precautions and procedures, endrin can be applied safely and effectively, and that the benefits of usage outweigh any risks. The stringent new safeguards being required by EPA, including new usage restrictions and directions, equipment specifications, and warnings to female applicators, are reprinted in Appendix 1. */ As the manufacturer of endrin, Velsicol Chemical Corporation fully endorses the Agency's decision to impose these enhanced measures for prudent usage of endrin in apple orchards.

Earlier phases of the endrin RPAR, and EPA's preliminary proposal for retention of orchard uses, were described at the Third Eastern Pine and Meadow Vole Symposium, held in New Paltz, New York on February 14-15, 1979. See Proceedings, pp. 4-7, 15-16. At the time of that Symposium, the Agency was in the process of reviewing the written comments filed by federal and state authorities, Velsicol, and user and environmentalist groups in response to the proposed regulatory actions. The final determination published in July, 1979 took into

*/ Velsicol is awaiting authorization from EPA as to revision of endrin labels in accordance with these new requirements.

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account many of the statements submitted to the Agency,*/ and reflected several changes to the draft labelling which previously had been proposed by EPA. Compare 43 Fed. Reg. 51,137-38 (Nov. 2, 1978), copy reprinted at 1979 Proceedings, p. 14 with 44 Fed. Reg. 43,637-8, copy reprinted in Appendix 1.

The endrin RPAR was one of the first RPAR's to be conducted. It represented a whole new approach toward review of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA"), 7 U.S.C. § 136 et seq. (see 40 Fed. Reg. 28,242; July 25, 1975). Before the advent of RPAR review, the Agency's procedure was to place a suspect pesticide on trial before an administrative law judge. Evidence on risks and benefits was elicited through direct and cross examination of subpoenaed witnesses. As a practical matter, there were few, if any, regulatory alternatives other than unconditional cancellation or retention on an "as is" basis. The RPAR review of endrin, however, afforded EPA, industry and other interested parties opportunity to work together in a relatively informal, non-adversarial atmosphere, and to develop new safeguards which tipped the risk/benefit balance toward continued registration.

*/ For example, concern about certain endangered species which had been prompted earlier by the Fish and Wildlife Service of the U.S. Department of the Interior was obviated when the Director of the Service submitted to EPA a revised biological opinion which stated that "the use of the pesticide endrin in apple orchards for control of pine and western meadow voles is not likely to jeopardize the continued existence of the bald eagle, American peregrine falcon, or Arctic peregrine falcon." 44 Fed. Reg. 43,643.

Appendix 1

3. Cancellation and denial of registration of endrin products for use in apple orchards in Eastern States to control meadow voles.

Cancellation and denial of registration of endrin products for use in apple orchards in Eastern States to control the pine vole and in Western States to control meadow voles unless registrants or applicants for registration modify the terms or conditions of registration as follows:

Modification of the label of endrin products for use in apple orchards in Eastern States to control the pine vole

and in Western States to control meadow voles to add the following:

Required Clothing for Female Workers

Female applicators, mixers and loaders must wear long-sleeved shirts and long pants made of a closely woven fabric, and wide-brimmed hats. Mixers and loaders must also wear rubber or synthetic rubber boots and aprons.

Warning to Female Workers

The United States Environmental Protection Agency has determined that endrin causes birth defects in laboratory animals. Exposure to endrin during pregnancy should be avoided. Female workers must be sure to wear all protective clothing and use all protective equipment specified on this label. In case of accidental spills or other unusual exposure, cease work immediately and follow directions for contact with endrin.

Application Restrictions

Do not apply this product within 50 feet of lakes, ponds or streams.

Do not apply this product within 50 feet of areas occupied by unprotected humans.

Do not apply when rainfall is imminent.

Procedures To Be Followed if Fish Kills Occur

In case of fish kills, fish must be collected promptly and disposed of by burial. Ponds in which fish kills have occurred must be posted with signs stating: "Contaminated: No Fishing." Signs must remain for one year after a fish kill has occurred unless laboratory analysis shows endrin residues in the edible portion of fish to be less than 0.3 parts per million (ppm).

Equipment

Apply by ground equipment only.

Use a very coarse spray with minimum pressure necessary to penetrate ground cover. Do not apply as a fine spray. Power air blast equipment must be modified to meet the above application restriction. Consult the State recommendations for acceptable methods of adapting equipment.

Prophylactic Use

Unnecessary use of this product can lead to resistance in the vole population and subsequent lack of efficacy.

Pests for Which This Product May Be Applied

This product may be applied to control the following pests only:

- Eastern United States—Pine Vole (*Microtus pinetorum*)
- Western United States—Meadow Voles (*Microtus* species)