



Responsible Industry for a Sound Environment®

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Mr Lee Corte-Real, Director
Division of Crop and Pest Services
Massachusetts Department of Agricultural Services
251 Causeway Street, Suite 500
Boston, MA 02114

RISE is a national not-for-profit trade association representing more than 200 producers and suppliers of specialty pesticide and fertilizer products to both the professional and consumer markets. Established in 1991, RISE as an advocate for the specialty pesticide and fertilizer markets provides legislators and regulators current and accurate information on issues and research affecting the industry. RISE member companies manufacture more than 90 percent of domestically produced conventional specialty pesticides used in the United States, including consumer lawn and garden, professional pest control, golf course and other professional turf and lawn care, greenhouse, aquatics, nursery, and mosquito control products. RISE members will be greatly impacted by any new or revised policies. RISE takes this opportunity to express our concern over the "under the direct supervision" proposed policy statement. RISE requests that the department consider the following before making any changes to the current policy.

The proposed change that would require certified applicators to provide only written instructions to a technician fails to address the situation or problem that the Department has cited as the need for a change in policy. This change would also impede or possibly curtail the timely completion of a termiticide application as the operator would be forced to wait for written instructions. The current system that allows verbal instruction (via mobile phone or other readily accessible communication devices) allows for onsite flexibility for the applicator thus allowing the application to continue without extended interruptions which could occur if written communication is required.

Our understanding is that the decision to make termiticide use products labeled as restricted use pesticides (RUP) was based on concerns for some older chemistries no



longer on the market for this use. Thus, the Department may wish to consider if these classifications are still necessary.

But even as such, one of the purposes of a restricted use RUP designation on a product is to assure that only licensed applicators use a particular pesticide. Many Pest Control Professionals currently use products classified as RUP's because of the termiticide use on the label primarily for non-termiticide applications. The proposed policy, as it applies to products classified as RUP's instead of uses, would act as an incentive to manufacturers to remove the termiticide application from the current label and either abandon that use in Massachusetts, or more likely, create a second product without termiticide uses, thus removing the RUP designation for the non-termiticide product and allowing non-licensed applicators access to that product. This could cause confusion in the market, as essentially the same product would be offered as both and RUP and a general use product. It potentially poses inventory management issues for manufacturers, distributors, and professional pest control companies. Finally, if the primary purpose is to insure that products, even for non-termiticide applications, are made by trained professionals, it will negate that incentive.

If there are legitimate concerns about certain types of applications, including fumigants, termiticides and rodenticides, we suggest the department propose common sense rules regarding those uses, such as suggested in our second paragraph above, and not apply such a policy to products with uses that would otherwise not be subject to these provisions.

To this end, we concur with the NPMA that this does require rulemaking. A policy change of this type is inconsistent with current rules.

RISE appreciates request the opportunity to provide comments and suggestion to the Department. Please contact me (tmaniscalo@pestfacts.org, 317-550-8696) if you would want to have further discussions.

Regards,



Tim Maniscalco
Manager, State Affairs