



8515 GEORGIA AVENUE, SUITE 400
SILVER SPRING, MARYLAND 20910-3492
301 628-5000 • FAX 301 628-5001
www.NursingWorld.org

REBECCA M. PATTON, MSN, RN, CNOR
PRESIDENT

MARLA J. WESTON, PhD, RN
CHIEF EXECUTIVE OFFICER

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Office of Pesticide Programs
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001
Submitted via email to:
<http://www.regulations.gov>

Re: **Public Availability of Identities of Inert Ingredients in Pesticides
ID number EPA-HQ-OPP-2009-0635.
Federal Register/ Vol. 74, No 245 / Wednesday, December 23,
2009/Proposed Rules**

Dear Administrator Jackson:

The American Nurses Association (ANA) welcomes the opportunity to provide comments regarding the proposed rule Public Availability of Identities of Inert Ingredients in Pesticides.

ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its constituent member associations (CMA's), its organizational affiliates, and its workforce advocacy affiliate. ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

Nursing leaders, including Florence Nightingale and Lillian Wald have recognized that nurses play a major role "in controlling the influence of environmental factors (air and water quality, food, sanitation, cleanliness, chemicals, pesticides, waste products) on health." The International Council of Nurses stated "The concern of nurses is for people's health- its promotion, its maintenance, its restoration."

In October 2003 the ANA Board of Directors adopted an association policy of precaution, emphasizing “the prevention of hazards by using products and practices that do not harm the environment in the provision of care to patients.”

“ANA’s Principles of Environmental Health for Nursing Practice with Implementation Strategies” encourage nurses to develop an understanding of the relationship between human health and environmental exposures. Immediate accurate and complete information is necessary for them to perform and complete their task as health care providers.

Disclose all Ingredients Used to Formulate Individual Products

The General Standards of the Occupational Safety and Health Administration (OSHA) 29CFR 1910.1200, Hazard Communication, requires employers to protect employees from chemicals in the workplace 1910.1200 (b) (2) states “*This section applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.*” However chemicals regulated by other agencies, including pesticides, are exempted from these requirements: “1910.1200(b) (5) *This section does not require labeling of the following chemicals: 1910.1200(b) (5) (i) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.).*” Current labeling requirements under FIFRA do not require disclosure of all chemical components preventing employers from providing adequate protection for employees.

Listing of All Inert Ingredients and Hazard Warnings on Labels

A review of the FIFRA list “Inert Ingredients Permitted for Use in Nonfood Use Pesticide Products” reveals several “inert” constituents which are listed on the RCRA U list of hazardous waste. Many of these chemicals have been designated as hazardous by the American Conference of Governmental Industrial Hygienist (ACGIH) and the National Institute of Occupational Safety and Health (NIOSH) and considered as hazardous materials under OSHA’s Hazard Communication 29CFR1200. Also, several of the materials in list, “Inert Ingredients Eligible for FIFRA 25(b) Pesticide Products”, list materials that promote respiratory problems, such as pneumoniosis, and other materials, such as rubber and various nut shells that promote allergic reactions.

All chemical ingredients in pesticides should be provided on the label, with warnings for physical, health and environmental hazards, and include precautionary protective measures.

Replace “Inert Ingredients” Designation

ANA recommends EPA to remove the term “Inert”, which has connotations of non-hazardous, innocuous or benign. A neutral or impartial term such as “Other Ingredients” is recommended.

Determining Eligibility for Confidential Treatment

ANA recommends that manufacturers of pesticides be required to prove the necessity of confidentiality for not listing ingredients on their labels. There is evidence that some manufacturers use this “loophole” as justification for not listing all ingredients. Recently, EPA found over 500 products that abused this stipulation as an excuse not to publish chemical constituents. Manufacturers’ should provide proof that product formulas are confidential and divulging chemical composition information would pose a legitimate risk to confidentiality.

Conclusion

ANA supports the efforts of EPA to require full reporting of all ingredients of products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.) ensuring the protection of workers, the public and the environment.

Again, thank you for the opportunity to submit comments on this important issue.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jean Schumann". The ink is dark and the signature is fluid, with a large, stylized 'M' and 'J'.

Mary Jean Schumann, MSN, MBA, RN, CPNP
Chief Programs Officer