



May 23, 2022

Rose Kyprianou  
Chief, Reevaluation Branch  
Antimicrobials Division  
US EPA Office of Pesticide Programs  
1201 Constitution Ave NW  
Washington, DC 20004

**RE: Chlorine Gas Proposed Interim Decision (PID) – Designation as Restricted Use Pesticide and Implications to Certifying Authorities’ Certification and Training Programs**

Dear Ms. Kyprianou:

On behalf of the Association of American Pesticide Control Officials (AAPCO), we would like to express concerns regarding the proposed interim decision to designate chlorine gas as a restricted use pesticide and implications to certifying authorities’ certification and training programs. This letter supplements the concerns already expressed by the State FIFRA Issues Research and Evaluation Group (SFIREG), a standing committee of AAPCO, and its Joint Working Committees (JWC) in the letter dated March 30, 2022. In their letter submitted to the Office of Pesticide Programs’ Antimicrobials Division, SFIREG JWC expressed concerns regarding the rationale for designating chlorine gas as a restricted use pesticide (RUP). AAPCO does not believe incident data supports the decision to make chlorine gas a RUP and requests EPA reconsider its decision including the significant impact to certification and training programs nationwide.

Chlorine gas is widely used in a variety of sectors across the country and has been successfully regulated as a general use pesticide under current applicable laws and regulations. Certification and training programs vary between certifying authorities with some exempting from certification requirements individuals using disinfectants, which currently include chlorine gas, or certain users of disinfectants, for example, janitorial service providers. For those that do require certification to use chlorine gas, the certification category required for pesticide applicators may also differ. Designation of chlorine gas as a restricted use pesticide will have dramatic implications for all certifying authorities and the broad range of user groups not previously regulated under FIFRA.

While specifically exempting some uses, the PID provides major use sites for products containing chlorine gas including “*commercial and industrial cooling towers (once-through and recirculating), municipal water supplies and treatment plants, sewage and wastewater management plants, pulp and paper mills, commercial and industrial swimming pools, agricultural irrigation systems, fruit and vegetable washes, and public water systems*”.

If designated as an RUP, this new and currently unknown universe of users would be required to be certified as pesticide applicators. Certifying authorities would be required to identify new uses and

the potential pesticide applicators, provide outreach and education, including the development and/or revision of applicator training manuals and exams and provide additional staffing to manage this influx of new applicators. It may also require changes to existing laws and regulations, current data collection systems, and enforcement and compliance programs. This would result in a significant increase in administrative costs and resources to the certifying authority for a product that has been determined to be of minimal risk. The PID states *“Though highly toxic, exposures to chlorine gas are not anticipated... chlorine gas is registered for use only in closed loading and delivery systems. Therefore, residential handler, residential post-application, occupational handler, and occupational post-application exposures are not anticipated, and risks are anticipated to be minimal for registered uses of chlorine gas.”* According to the PID, from 2009-2020, there were seven (7) human health incidents reports with no human fatalities.

In addition to aforementioned implications to certification and training programs, designation as a restricted use pesticide will also require certifying authorities to again review and revise their Certification Plans. Certifying authorities are currently in the midst of a multiyear process of reviewing and revising Plans in response to the 2017 Certification of Pesticide Applicators Rule. Certifying authorities have expended significant resources during this process and with the implementation of the Plan, there will be an additional outlay of resources. In addition, certifying authorities continue to experience impacts from the ongoing public health crisis with many parts of the country seeing significant impacts to staffing resources. Certifying authorities also have a multitude of competing priorities each of which requires staffing resources. While the proper use of this and all pesticides is central to protecting human health and the environmental, neither the risk assessment nor incident data supports this designation and the implications to certifying authorities and users.

AAPCO is committed to supporting EPA and the use of sound science in all registration decisions. In response to the proposed interim decision to make chlorine gas a restricted use pesticide, we request that EPA reconsider the decision based on the risk assessment and the comments previously submitted by SFIREG JWC and the resulting implications to certifying authorities.

As always, AAPCO is committed to continuing to work with EPA, its membership and other stakeholder groups throughout this process.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Liza Fleeson Trossbach". The signature is fluid and cursive.

Liza Fleeson Trossbach, AAPCO President  
Virginia Department of Agriculture and Consumer Services

cc: Anita Pease, Director, Antimicrobials Division, EPA OPP  
Carolyn Schroeder, Chief, Certification and Worker Protection Branch, EPA OPP