

## Methyl Bromide Critical Use Exemption Update

# Partial Approval Granted for Florida's Needs

It took years, mountains of paperwork and meetings all over the globe, but finally, the U.S. and ten other developed countries won a partial one-year reprieve from the Jan. 1, 2005 deadline to phase out methyl bromide. At its March 24-26 extraordinary meeting, the parties to the Montreal Protocol approved critical-use exemptions (CUEs) for 2005 at 35 percent of 1991 levels — sort of. Any increase above 30 percent can only come from those countries' existing stocks of materials.

Florida Fruit and Vegetable Association, in cooperation with individual commodity groups, prepares and submits the CUEs for Florida crops.

### Changing the Rules

The 11 countries granted CUEs are Australia (145 metric tons), Belgium (47), Canada (55), France (407), Greece (186), Italy (2,133), Japan (284), Portugal (50), Spain (1,059), the UK (128) and the U.S. (7,659). The United States requested a multi-year CUE, but faced strong opposition from the European Union and developing countries. Those considered to be developing countries have until 2015 to phase out methyl bromide.

The Crop Protection Coalition (CPC), a group of more than 40 agricultural associations including FFVA, praised the U.S. delegation's efforts. CPC Chairman Reggie Brown said, "There's no doubt that they tried to advance the interests of the U.S. food and agricultural industries in a reasonable and responsible way consistent with treaty provisions."

At the same time, however, Brown said the CPC was outraged that other parties to the treaty, particularly the European Union, were unwilling to even consider the request of the U.S. "Rather, the EU focused on attempting to rewrite the rules in the middle of the game. Those parties are pushing to ban methyl bromide even where a lack of technically and economically viable alternatives has been established," he said.

FFVA Assistant Director,

Environmental & Pest Management Division, Mike Aerts agrees, and says that the Montreal Protocol had been concerned all along with production amounts, not existing supplies plus what was produced. "The Montreal Protocol was supposed to apply to amounts of material produced," he said. "Our thinking is that because an amount was produced in 2004, it shouldn't even be on the negotiating table for 2005," he said. "Now that the existing stocks have found their way into the equation, they'll be there from now on, even though the Montreal Protocol only addresses production."

Another issue is the one-year versus multi-year exemption concept. Aerts says that the U.S. had solid reasons for requesting multi-year exemptions. "It would decrease government investment, for one thing," he said. "From petition generation to review, throughout the whole nomination process, it's expensive. EPA has a whole division that has done nothing but work on CUE nominations for the past two years."

Aerts also makes the point that annual petitions put the grower at a disadvantage. "How can you plan your production schedule without knowing if you'll have access to something like methyl bromide, and in what quantities?" he said. "And before banks lend you money, they want to know those details."

### A Little Background Information

The full name of the meeting was the "Extraordinary Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer," or ExMOP for short. The more than 350 participants represented 114 governments, UN agencies, non-governmental organizations, inter-governmental organizations, industries and academia.

The parties discussed issues left over from the Fifteenth Meeting of the Parties last November in Nairobi. They reached a "compromise" by differentiating between usage and production for CUEs, they reviewed the work of the Methyl Bromide Technical Options Committee (MBTOC), concluded that there was room for improvement in the nomination process, and estab-

lished several contact groups to work on improving the CUE nomination process. They also initiated discussions regarding further specific interim reductions of methyl bromide for the period beyond 2005 for developing nations.

The Montreal Protocol is administered through the United Nations Environment Programme (UNEP), which was created back in May 1981. It addressed scientific evidence originally produced in the 1970s, which alleged that various substances were damaging the earth's ozone layer. At that time, UNEP began negotiations on an international agreement designed to protect the ozone layer. The resulting Vienna Convention for the Protection of the Ozone Layer was adopted. It called for cooperation, but did not force parties to reduce the levels of ozone-depleting substances.

The Montreal Protocol, developed in September 1987, defined obligations to reduce levels of ozone-depleting substances and established a timetable. A number of discussions, refinements and adjustment followed, all leading up to the March extraordinary meeting. (The term "extraordinary meeting" refers to a meeting that was organized to take care of business unresolved at a previous, regularly scheduled meeting.)

### Misperceptions Rampant

The decision to grant the one-year 30 percent CUEs did not go unnoticed in the media. The Inter Press Service News Agency quoted Monica Moore, co-founder of Pesticide Action Network North America, as saying, "It is a cheap reward for those farmers and agribusinesses that have refused to use alternatives to this dangerous and unsustainable substance

Dr. Jamie Liebman, staff scientist with the group, told the Financial Times of London that "for all of the major uses of this pesticide as a soil fumigant, there are examples of the same crops currently grown profitably, in the U.S. and other countries, without methyl bromide."

And Fox News reported that "over the last three years, the Bush administration has repeatedly opposed or sought to weaken and delay multinational action to reduce dangerous chemicals." This is from a network considered to be fairly friendly to the current administration

Maybe if more people knew that a con-

centrated long-term program of research into methyl bromide alternatives was taking place, they'd be a little more open-minded. Aerts, who helped prepare the Florida CUEs and attended the extraordinary meeting, said, "It would help our effort if we were able to get all the information from everyone who has been exploring alternatives," he said. "We have the information from university and USDA research, but we need to hear from other grower-type people who have done their own experimentation with alternatives. We know people are doing the experimentation, but we don't get the feedback."

In fact, the FFVA Foundation, which funds research and education that benefits Florida fruit and vegetable growers, supported a stack of research projects into alternatives last year. Research hasn't stopped. Experimentation continues.

"It has to be a systems approach," said Aerts. "And much needs to be understood about that type of systems approach," he said.

**Friday Surprise**

"What the U.S. government proposed that Wednesday morning of the extraordinary

meeting was a multi-year, 30 percent level in 2005, 30 percent in 2006 and 28 percent in 2007," said Aerts. "And by that Friday night, when we walked away from the meeting, we were getting 30 percent for one year plus existing stocks,".

He says the parties were under the impression that countries could not go above 30 percent according to the Protocol. "All the State Department lawyers and others in this country say is no, that's not a statutory requirement in the Protocol, that's just their understanding of it," he said. "The U.S. government said we needed 38.2 percent of the baseline amount, and the whole point of the Protocol is that it's based on demonstrated need. That's our demonstrated need, 38.2 percent," he said. "Friday's decisions came as a surprise to many people," said Dan Botts, FFVA's Director, Environmental & Pest Management Division.

"The primary reason the European Union and others were so intransigent is pure politics. At the urging of the U.S. non-governmental organization activists, they assured a delay would result in different outcomes in the next round.

"It's an election year in the U.S.," said Aerts. "They have certain feelings about dealing

with the Bush administration, so they roll the dice in case a new administration might be elected. They have nothing to lose."

*Credit: FFVA news release at www.ffva.org*  
*Editor's Note: We work with the FFVA on the Spring Regulator Tour, in which we host a golf course tour at The Old Colliers Club in Naples each spring. It is never too late to keep writing your senators and congressmen to intercede on this issue.*

*The GCSAA, working with methyl bromide manufacturers, submitted the critical-use exemption paperwork on behalf of all golf course turfgrass managers. However this report by our friends at FFVA, who did the same for Florida agriculture, is a prime example of the difficulties encountered in trying to work out a fair and just allocation and use of this product.*

*As recently as October, Hendrix & Dail was asking us to send letters and emails to our legislators to impress upon EPA the need for a economical and practical allocation system so that the turfgrass industry can use the best and most environmentally sound soil fumigant since no comparable alternative has been produced.*

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