

ANALYSIS

Critical Flaws in MeBr Critical-Use Exemption Process

By Joel Jackson

The phase-out of methyl bromide (MeBr) has been decreed by the international Montreal Protocol signed by the USA in 1987. Under the agreement, critical-use exemptions (CUE) would be granted for commodities that could show critical need, no viable alternatives and market disruption if MeBr were not available.

Originally, golf courses and sod production were granted a CUE. Subsequent applications have been denied. The science and data haven't changed but EPA's position has.

Strike one.

When a commodity is not approved for critical use, producers may use MeBr in stockpiles. Our stockpiles are dwindling rapidly, thanks to EPA's aggressive annual cuts which supersede the amounts required by the International Body.

Strike two.

How it works: U.S. farmers and growers have consistently justified the amount of MeBr they need annually.

EPA cuts that amount and submits its nomination to the International body. That group usually approves an allocation for all users and it is always less than EPA's request. Then the EPA again cuts the amount approved by international group.

Why?

EPA's Office of Stratospheric Protection has been charged with overseeing the phase-out of MeBr. Officials do not appear to be swayed by arguments of national interest in terms of having no safe effective economic alternatives to grow our crops, fumigate stored grains, fumigate soil to keep yields profitable and competitive in the global market. Their job is to phase out MeBr and, at the rate they are double-cutting supplies, it will take only another year or two. They are not tasked with weighing risks and benefits.

The science and data remain debatable depending on whether you have zero tolerance for this product that is generally recognized as the only reliable and effective fumigant. Arguments revolve around naturally-occurring MeBr and manmade quantities. Some cite biomass burning and leaded gasoline combustion as producing more MeBr than agricultural uses. But these debates rage on while our access to this product is vanishing. Rather than continue the

debate, we must ask congress to step in and do just one simple thing: Require EPA to explain why it takes two cuts to the annual allowable amounts of MeBr.

Meanwhile golf-course use has not been granted a CUE in part because U.S. golf and turfgrass don't hold much sway in the international community. The international body did approve MeBr use for golf course development in some Caribbean countries. And they have seen fit to allow MeBr for cut flower production. So cultural biases have been endemic in the process.

Strike Three.

We are not married to MeBr if an effective alternative were available. After USDA spent \$192 million on research, we still have the same flawed alternatives which potentially have more damaging environmental effects and inconsistent performance. If you are contemplating regrassing your golf course in the future, your chances of encountering off-type contamination are pretty much guaranteed.

If not challenged, EPA's aggressive cuts will deplete MeBr stocks as early as 2009. If it's important to you, your business and your club, write your senators and representatives and ask them to require EPA to explain and justify its accelerated phase-out process at the expense of transparency and due process.

Following are excerpts of comments made on the record at the September 11, 2007 Methyl Bromide CUE Hearing at EPA. Please use these ideas in your own letters to your legislators asking for their help. We are past arguing science and data. We are asking for fairness and due process:

We are concerned that the EPA has not forwarded our repeated Critical Use Exemption applications to the International Body.

We understand that golf is the only commodity held to the market disruption standard, which we did address in amended applications. Golf courses and sod production were granted a CUE originally. The data and need has not changed but now we are denied. Why?

We do not understand why soil fumigation for the protection of certified turfgrass varieties is not deemed worthy of consideration, especially since reliable or safer alternatives have not been developed. The only alternatives have been shown to perform dramatically inconsistently and pose devastating impacts like fish kills in nearby waters.

Without a modest supply of methyl bromide for pre-plant fumigation of new courses or regrassing of existing properties, more quantities of traditional pesticides must be applied during the critical grow-in phase when the turf cover is thinnest and susceptible to runoff and leaching of materials to control soil-borne diseases, weed seeds and nematode and insects.

This seems counter to the mission of EPA.

There are roughly 15,000 golf courses in the U.S. They do not all need methyl bromide annually, and as the golf market adjusts to current trends new course construction has slowed appreciably since its boom in 1980s and 90s. Annual course renovations calling for the installation of newer varieties – which generally call for fewer inputs that impact the environment – (are not many). The point is that golf does not need large amounts to ... serve its customers, yet our applications have been summarily dismissed at the entry level.

It appears that the denial of consideration for a CUE for golf in the U.S. rests on arbitrary value judgments or biases against the worthiness of golf or

turfgrass in general as if they are trivial or frivolous. These concerns have merit, considering international exceptions have been made for cut flowers and golf course development in other countries. Contrary to common belief, golf is not "just" a rich man's game or "elitist pastime." Well over 70 percent of golf courses in the U. S. are public access venues.

We were told by members of EPA in a meeting last year that "political pressure" at the international level is the main obstacle to overcome in terms of the golf CUE. Essentially other countries do not see the value in using MeBr for golf courses or grass in general. Those... pressures... should be dealt with in the proper forum.

Those "opinions" are not part of the Montreal Protocol, which specifically created critical use exemptions to help support industries until such time as viable alternatives could be found.

We also do not understand why

the agency makes additional cuts to production and reserves beyond the levels called for in the treaty.

By making deeper than necessary cuts to supplies, golf will likely be squeezed out when allocations are made. We understand food production and safety are number one, but why isn't the EPA actively supporting our own national interests?

...Owning and operating a golf course is a business that competes for and serves millions of customers. We deserve some consideration.

We annually support ongoing research to produce new grasses that require less water, fertilizer and pesticide inputs. Trying to breed, produce and install these grasses without access to a fair and reasonable amount of MeBr to insure their success without using increased amounts of conventional pesticides or more questionable alternatives is counter productive for the environment and the industry.

Other background information on Methyl Bromide can be found at the following Web sites:

<http://methyl-bromide.com/faq/plenty-of-skepticism-remains-about-the-phase-out-of-methyl-bromide/>

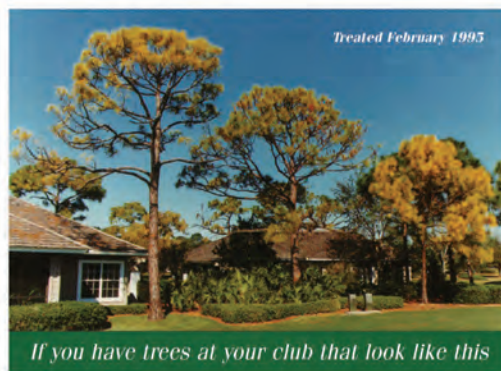
<http://methylbromide.typepad.com/>

<http://www.methyl-bromide.com>

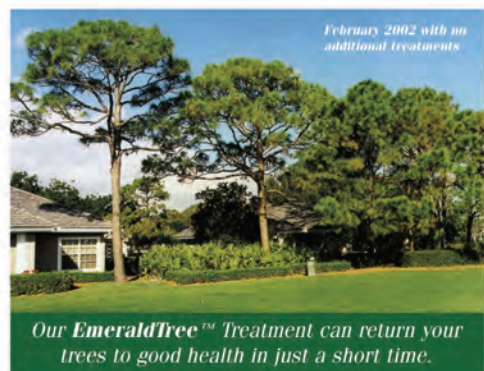
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