



# FQPA: EPA's Rush To Judgment

BY JOEL JACKSON, CGCS

**O**n March 3, I attended an FQPA Workshop sponsored by the Florida FQPA Working Group of which I have been a member for the past year.

While I wish I could report an easy solution to the implementation puzzle, when the EPA and politics is involved, nothing is easy! What attendees did learn was:

The politics that went into the passage of FQPA was presented by Dan Barolo, former director of EPA's Office of Pesticide Programs. Barolo is now a consultant with Jellinek, Schwartz and Connolly, Inc and the international working group's main advocate and watchdog on FQPA in Washington, D.C.

Barolo went on to say that Congress literally voted on the Food Quality Protection Act without having even read or debated it. It was last-minute legislation agreeable to all parties (if implemented as originally discussed) that was designed to replace the old cumbersome Delaney Act.

It turns out that the FQPA is turning out to be the most significant and far-reaching environmental legislation passed in decades.

For that reason the politicians in EPA are taking a hard line and narrow approach to implementing the law.

In reality, no one — including EPA — was aware of the enormity of the undertaking required by the new law. EPA was not staffed adequately to do all the tolerance reassessments in the time allotted. That is one reason EPA is using quick and easy default assumptions which grossly exaggerate pesticide use and exposure.

The biggest disappointment in the process so far is the Department of Agriculture's slow, almost non-existent response to the FQPA implications. The USDA has information which could help with some of the conservative assumptions EPA is mak-

ing. Pressure is being brought to bear on them, but they have not been doing their job for agriculture.

There was a case study presentation by representatives from DuPont and Rohm & Haas. The difficulty in registering new products was highlighted including the time line and costs.

The bottom line is that with current trends from EPA, manufacturers are making business decisions today that will affect the ag industry 15 years from now.

They called it a "death by 1,000 tiny cuts."

There won't be any headline-grabbing product bans. But over time, with a series of label and use changes and costly tolerance reassessments, manufacturers will abandon niche products which become unprofitable and refocus on international markets where resistance and regulations are not so odious to deal with.

Our arsenal of tools will shrink by attrition, and new research will not be very vigorous.

Business is business.

A wrap-up panel discussion produced these take-home messages:

1. Encourage state and local regulators to take "real world" use and exposure data to EPA to provide better insight into the process.

2. USDA is key. They have US ag statistics that could help EPA. The ball

is in their court. It's not a money issue, rather one of priorities.

3. List/prioritize products that are important to our industry. Describe critical needs. Provide actual USE data and any mitigation data.

4. Tell registrants/manufacturers about your product concerns and that you expect their support through the reassessment process. ID those pesticide you need!

5. It's a legislative issue. Ask why EPA is ignoring current law provisions, and taking hard line and narrow interpretations. (Barolo: "The professionals/scientists in EPA want to do a good job. They don't want their name on bad rules. The politicians in EPA are what cause the problem.")

6. FQPA requirements keep shifting and it's hard to pin EPA down to address/discuss actions. Final decision will be made this summer which will then focus issues that can be addressed by working groups for sanity and fair play.

7. The international working group has a "road map" plan for EPA to guarantee a logical, systematic, scientifically-based way to implement the law. EPA so far has not been inclined to use that plan.

Keep writing your representatives and keep asking for good science and real world data in implementing the FQPA.

## FQPA-Participation Critical

Allen James, executive director of Responsible Industry for a Safe Environment (RISE) says now is the time to keep up the pressure on Congress. Grassroots response has slowed down the process, but EPA has not been swayed from their course of faulty risk assessment. Joel Jackson, FGCSA director of communications will prepare a letter to your representative and senators for your signature on your club's letterhead stationery. Just send three sheets of your club's letterhead stationery and a self addressed stamped envelope to: Mr. Joel Jackson, FQPA, 6780 Tamarind Circle, Orlando FL, 32819. The letters will be returned to you for your signature and mailing to your legislators to keep the pressure on EPA to use good science and common sense in enacting the law.

## Ban On Methyl Bromide Delayed

Recently Congress and the Clinton administration changed the U. S. Clean Air Act to allow continued use of methyl bromide until the year 2005.

This extension is quite a rare accomplishment, but due to the communication efforts of many turf and agriculture professionals, industry, and numerous trade organizations, Congress understood the importance of methyl bromide as a soil fumigant to all of American agriculture.

The 2005 date was set by a treaty known as the Montreal Protocol for all developed nations. The United States law had previously required a phase-out by the year 2001.

The extension however is accompanied by a 25 percent reduction in methyl bromide production beginning in Jan. 1 and followed by an additional 25 percent cut Jan. 1, 2001 and another 20 percent

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decrease Jan. 1, 2003.

What this means is that the supply of methyl bromide is and will become increasingly tight as the next reduction phase kicks in. Prices will continue to rise, particularly in the lower-volume uses, such as quarantine, commodity and structural fumigation.

Ironically, the continuing development of improved turfgrass varieties is making the concept of "strip, till, fumi-

gate and grass" more feasible than ever. This concept, however, will not last much beyond 2005 without complications unless comparable alternatives are found.

The United States Department of Agriculture has the responsibility of trying to develop alternatives to methyl bromide fumigation for agricultural use and has spent millions of dollars in the effort. The only current study under way is being funded in part by the GCSAA with research being conducted jointly by the University of Florida at the Milton IFAS station, Georgia Foundation Seed and Hendrix and Dail, Inc.

The United States EPA is currently in the process of determining critical uses of methyl bromide and will seek input from various user groups. We will need your help again, as it will be very important that the EPA hear from you. The Methyl Bromide Working Group will let you know how and when you can help.

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