

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/>

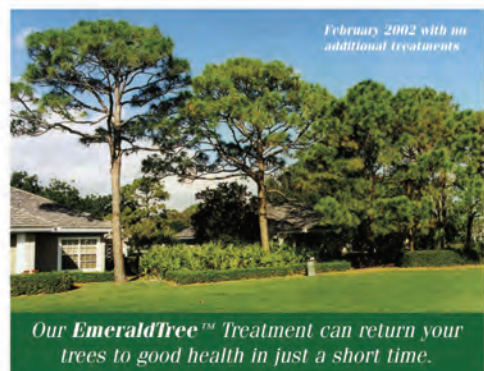
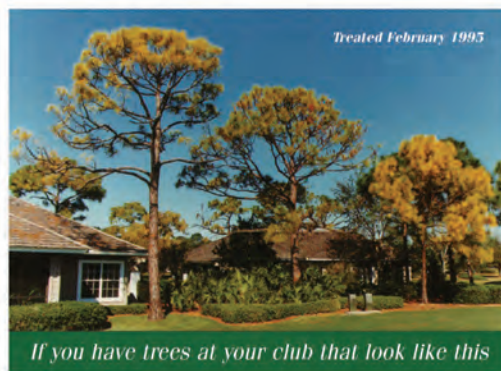
<http://methylbromide.typepad.com/>

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Florida Consumer Fertilizer Task Force

Let the Science Begin

By Joel Jackson

The Florida Consumer Fertilizer Task Force was created by the 2007 Florida Legislature to address several issues beginning with phosphorus loading in Lake Okeechobee and eventually expanding to include nitrogen and all watersheds and basins in the state.

The clean-up of Lake Okeechobee began with addressing agricultural uses of fertilizers but quickly spread to addressing urban uses of fertilizer including residential and commercial lawns, sports fields and golf courses. The rule deals primarily with the amount of phosphorus (P) and nitrogen (N) that can be formulated and put into containers of fertilizer products weighing less than 49 pounds, also known as specialty products. The law does not regulate improper application of the products.

However, limitations have been placed on the amount of total P and N that can be applied per application and per year. Intensely managed sports and golf turf can use tissue- and soil-testing results to justify additional nutrient applications if needed. The golf industry is guided by the nutrient management recommendations contained in the newly published Golf Course BMP Manual.

Copies of the BMP manuals were sent to every golf course in the state. If you did not receive one contact the FGCSA at

407-248-1971 or FLGRN@aol.com.

As of Sept. 30, at least two local ordinances (Sanibel Island and Sarasota County) have cited the Golf BMP Manual recommendations as the guidelines that golf courses in their jurisdictions must follow regarding nutrient management. Both ordinances also ban the application of N and P during the “rainy season” which they each define with different dates. The state hopes that by drafting a standardized statewide rule based on science that local governments will use that rule to educate and guide homeowner use to help minimize any negative effects of residential fertilizer use.

MISSION STATEMENT

“The Florida Consumer Fertilizer Task Force, representing diverse stakeholder interests from around the state, will provide recommendations to the Florida Legislature to improve efficiency, effectiveness and consistency in Florida’s regulation and use of consumer fertilizers. The Task Force’s task will be to review, discuss and seek consensus (10 of 13 votes is agreed as consensus) on a package of recommendations to the Legislature for proposed refinements to Florida’s regulation and use of consumer fertilizers to ensure they are based on the very best available science and uniform(ly) subject to variations necessary to meet mandated state and

Task Force Members and Representation

Mayor Jay Arend, Florida League of Cities, Inc.

Sen. David Aronberg, Florida Senate
Peter John Barile, Environmental Community

Jerry Brooks, Department of Environmental Protection

Richard Budell, DACS Office of Agricultural Water Policy

Casey Fitzgerald (Vice-chair), Water Management Districts

Richard Martinez, National Fertilizer Industry

Representative Bryan Nelson, Florida House of Representatives

Ron Olson, Florida-Based Fertilizer Industry

Andy Rackley (Chair), Department of Agriculture and Consumer Services

Jerry Sartain, UF Institute for Food and Agricultural Sciences

Karen Taylor, Registered Landscape architect

Commissioner Jon Thaxton, Florida Association of Counties

Florida Department of Agriculture and Consumer Services (FDOACS) Florida Consumer Fertilizer Task Force Project Development and Delivery Schedule

Nov. 2, 2007: Task Force Meeting 3 - West Palm Beach

Nov. 14, 2007: Task Force Meeting 4: Draft Recommendations Approval Public Workshops—Round One (Following Task Force Meeting) Tallahassee

Dec. 17, 2007: Task Force Meeting 5—Review of Public Comments Public Workshops—Round Two (Following Task Force Meeting) Apopka

Jan. 11, 2008: Task Force Meeting 6—Adoption of Final Package of Recommendations - Tallahassee

Jan. 15, 2008: Delivery of Final Recommendations to DACS and Florida Legislature

federal water quality standards.”

Here is the remaining meeting schedule for the Task Force. It would be a good idea for representatives of all green industries to attend one of these public meetings in their areas so they can monitor the progress and make appropriate comments.

EDITOR’S NOTE: *I attended the first meeting in Sarasota and it was primarily to set up the process and ground rules for conducting the business of the Task Force. They elected Andy Rackley of FDOACS as chairman of the group and Casey Fitzgerald from the water management districts as vice chairman. While all members cited using best available science, several members of the group also were involved in local ordinances which ban the use of nitrogen and phosphorus during warm-season turf-growing (rainy) season. That ban is not based on science. It is based on intuition that if fertilizer is applied and it rains it automatically must run off. That’s why we need to stay involved.*