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DAVID A. PATERSON  
GOVERNOR

ALEXANDER B. GRANNIS  
COMMISSIONER

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
ALBANY, NEW YORK 12233-1010

OCT 30 2008

Office of Pesticide Programs Regulatory Public Docket (7502P)  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 2046-0001

RE: Chloropicrin, Dazomet, Metam Sodium/Potassium, and Methyl Bromide  
Reregistration Eligibility Decisions; Notice of Availability; Extension  
of Comment Period [EPA-HQ-OPP-2008-0518; FRL-8380-5]

To Whom It May Concern:

The New York State Department of Environmental Conservation appreciates the opportunity to comment on the proposed regulation changes for Dazomet and other soil fumigants. EPA's interest in protecting public health through more effective regulation of these highly toxic pesticides is an important step in the protection of the people who live or work around agricultural areas, as well as the natural resources which are affected by these pesticides. While DEC generally supports the direction which EPA is taking, because in some instances there are not yet economically viable alternatives to these fumigants, we urge EPA to ensure that sufficient time is provided to affected industries to develop and deploy environmentally acceptable, cost effective alternative technologies.

Overall, EPA's approach is comprehensive and environmentally protective. Measures proposed by EPA include:

- The establishment of buffer zones around treated fields;
- Posting requirements, to inform bystanders about the location and timing of the fumigation;
- Agricultural worker protections to protect those who handle fumigants;
- Applicator and handler training programs to effectively manage fumigant applications;
- Good agricultural practices to reduce off gassing and improve the safety and effectiveness of applications;
- Classifying dazomet and soil fumigant products containing metam sodium/potassium as restricted use pesticides;
- Development of site-specific fumigant management plans;
- Emergency preparedness and response requirements;

- Notice to state and tribal lead agencies for pesticide enforcement to help ensure compliance with the EPA regulations; and
- Community outreach and education programs.

For bare root nurseries which currently apply dazomet as a soil fumigant, DEC is concerned that EPA's reregistration eligibility decisions may not provide sufficient time for applicators to find environmentally acceptable alternatives to this soil fumigant. While the establishment of buffer zones is a sound means of protecting neighboring areas, in some instances property restrictions may make it impossible to provide a sufficient buffer without simultaneously taking land out of productive use, thus reducing the area available for nursery activities. In New York State, recognizing that such situations will occur, DEC already is working with Cornell Cooperative Extension to come up with more environmentally friendly alternatives to dazomet. To date, we have not found an alternative that is both effective and reasonably priced. For that reason, DEC recommends extending the effective date of the reregistration eligibility decisions with respect to bare root nurseries.

Bare root nurseries have the important goal of providing quality bare root, native, local seed source seedling stock to enhance natural resource conservation efforts. We are concerned that EPA's reregulation changes will impact the ability of nurseries to achieve this goal. In the past, New York and other states have been able to improve the quality and quantity of its forested lands by utilizing seedling stock produced at state operated nurseries. The future health and productivity of New York State's forests may depend on revising the reregulation eligibility decisions to reflect the needs of this important industry.

There will likely be similar concerns for the New York's important agricultural industry. In conjunction with USDA's Animal and Plant Health Inspection Service and Cornell University, since 1985 New York has implemented Integrated Pest Management initiatives to reduce the threat of damaging plant pests and pathogens. While our commitment to diminishing the use of pesticides remains unchanged, farmers in New York have continued to use methyl bromide because of the lack of cost-effective alternatives to control Golden Nematode infestations. As with dazomet, the need for cost-effective and environmentally-protective alternatives to pesticides must be a priority for EPA.

I encourage EPA to work with the New York State Departments of Agriculture and Markets and Environmental Conservation in the development of cost-effective alternatives to pesticides such as dazomet and methyl bromide. Research into alternatives that will avoid the need for these fumigants is the most promising way to protect agricultural workers and the public now and in the future.

Sincerely,



Alexander B. Grannis

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bc: Commissioner

S. Gruskin

A. Crocker

V. Washington

R. Davies

A. Reynolds

E. Dassatti

M. Serafini

E. Murphy