



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

JAN 7 2003

Mr. Barry Cortez
California Environmental Protection Agency
Department of Pesticide Regulation
Chief, Pesticide Registration Branch
1001 I Street
Sacramento, California 95812

Dear Mr. Cortez:

As follow up to a conference call held on December 20, 2002, involving your staff, State of California pesticide inspectors, the Environmental Protection Agency (EPA), and the U.S. Department of Agriculture (USDA), I am writing to inform you of the current status of a national program to fumigate certain imported commodities with methyl bromide for quarantine purposes. The conference call was initiated after agricultural officials in California raised questions about the use of methyl bromide in order to support the operations of a banana processing facility that is planned for the Port of San Diego.

As you know, methyl bromide is used in port areas to ensure that imported commodities do not inadvertently harbor non-indigenous and quarantined pests. Since 1981, USDA has built their quarantine programs, in part, on authorities available under the emergency exemption provision of the pesticide law. Although, the Food Quality Protection Act (FQPA) requires that EPA establish tolerances for food uses associated with emergency uses of a pesticide, EPA has not yet completed a full FQPA assessment for methyl bromide. However, due to the importance of this use, USDA has been able to rely on regulatory authorities available under the "crisis" provisions of the regulations that govern the emergency exemption program (40 Code of Federal Regulations 166.40). At this time, EPA is evaluating a request from USDA for a quarantine exemption for the use of methyl bromide on bananas and several other imported crops. In particular, uses sought for these treatments include fumigation of imported avocados; bananas; cottonseed; cucurbit vegetables; cucurbit seeds, edible (shelled and unshelled); fresh ginger tops; fresh herbs; fresh and dried mint; snow peas; opuntia, plantains; blackberries; raspberries; leafy vegetables; root and tuber vegetables, including dasheen; kiwi fruit; and lychees.

EPA's analysis of this quarantine exemption request will determine at what level tolerances should be set, and for what commodities. While that review is underway, the terms established by the crisis declarations made by USDA can remain in effect.

In addition to FQPA requirements, methyl bromide is regulated under the Clean Air Act (CAA) as a ozone depleting substance. Based on these concerns, U.S. production and import of methyl bromide will be banned after January 1, 2005, except for specific exemptions. One of those exemptions is for quantities of methyl bromide to be used for quarantine and preshipment applications. It appears that the needed quantities of methyl bromide may qualify for the exemption in order to prevent the introduction, establishment and/or spread of quarantined pests. The rule concerning the exemption for quarantine and preshipment applications published in the **Federal Register** on January 2, 2003, and can be found at the following website: <http://www.epa.gov/ozone/title6/phaseout/index.html>.

EPA will be working to complete its FQPA assessment for the quarantine emergency exemption uses as expeditiously as possible. At the same time, EPA is also interested in working towards creating a longer term solution to address these issues. Notably, EPA is working with USDA to find opportunities to add key crop groups or individual crops to a federally labeled methyl bromide product. In addition, as you know, EPA is also working intensively to identify and register alternatives to methyl bromide. EPA appreciates your assistance and support in these efforts.

Let me know if you have further questions on this matter, at this time. I can be reached at 703-308-9376.

Sincerely,



Robert A. Forrest
Chief, Minor Use, Inerts and
Emergency Response Branch

cc: EPA Region IX
Glenda Dugan

CAL DPR
John Inouye

California Dept. of Health Services
714 P Street, Room 1253
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Food and Drug Administration
Donna Porter

USDA/APHIS
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United States
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Inspection
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Policy and Program Development
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ENQL 7-1 CY99
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January 22, 1999

Document Processing Desk (EMEX)
Office of Pesticide Programs (H-7504C)
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460-0001

ATTN: Meredith Johnson, Team Leader
Emergency Response Section
Registration Division (7505C)

SUBJECT: **MeBr Quarantine Exemption Applications for avocados; bananas and plantains; blackberries and raspberries; opuntia; kiwi fruit; fresh herbs and spices; fresh or dried mints; fresh ginger foliage; leafy vegetables not listed on the Methyl bromide Q labels; and root and tuber crops not listed on the Methyl bromide Q labels including dasheen**

Dear Ms. Johnson:

Enclosed is an application for a repeat quarantine exemption under FIFRA §18 for use of 100% methyl bromide by USDA Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine (PPQ) to treat the food/feed commodities: avocados; bananas and plantains; blackberries and raspberries; opuntia; kiwi fruit; leafy vegetables not listed on the Methyl bromide Q labels; roots and tuber crops not listed on the Methyl bromide Q labels, including dasheen. The application includes a new quarantine exemption for fresh herbs; fresh mint (e.g., spearmint, peppermint); and fresh ginger foliage.

Included as an attachment to the application is an interim report as specified in §166.32 of 40 CFR regulating reporting requirements for specific, quarantine, and public health exemptions. The interim final report covers APHIS, PPQ methyl bromide use in fiscal years (FY) 1996 through 1998 under §18 numbers 95-DA-06, 95-DA-07, 95-DA-08, 95-DA-09, 95-DA-10, and 95-DA-12. These cover the crops avocado, banana, raspberries, blackberries, opuntia, plantain, kiwi, leafy vegetables, and root/tuber vegetables. Please note that kiwi use has exceeded the



amount requested in the previous application due to a change in APHIS import requirements. Further discussion is available on page 2 of the application.

The current quarantine exemptions expire March 3, 1999, so if ERMUS will be unable to issue the new quarantine exemptions by then, we will need to discuss crisis exemptions.

If you have any questions regarding this application, please contact Alan V. Tasker at (301) 734-5708 or e-mail alan.v.tasker@usda.gov.

Sincerely,

/s/ Alan V. Tasker

for

Carl Bausch
Acting Team Leader, Data Support
Policy and Program Development

Enclosure

cc: (w/o Attachment 4)

S. Lewis, Methyl Bromide Industry Panel, Arlington, VA

D. McAllister, Great Lakes Chemical Corporation, West Lafayette, IN

R. Westin, AmeriBrom, Inc., New York, NY

T. Duafala, Trical/SSC, Hollister, CA

J. Levy, USDA, APHIS, PPQ, National Safeguarding Team, Riverdale, MD

A.M. Callcott, USDA, APHIS, PPQ, Imported Fire Ants Lab, Gulfport, MS

P. Grove, USDA, APHIS, PPQ, PDC, Frederick, MD

P. Witherell, USDA, APHIS, PPQ, Methods Development Ctr, Oxford, NC

PPD-DST File: Methyl Bromide §18 Food Uses

APHIS:PPD:DS:ATasker:an:734-5708:01-21-99:i:\ppd\ds\pq-vs-is\me-br\DraftApp\Mebl81-app-ltr.lwp

§166.20(a)(3). DESCRIPTION OF PROPOSED USE

(ii) Method of application: Fumigations will be conducted in chambers, under tarpaulins, or in other temporary enclosures. (For further details, see Plant Protection and Quarantine Treatment Manual, Revised 4/98--Attachment 4. pp 2.2.1 to 2.2.86 -- note that the manual specifies that instructions on the label or §18 must be also be followed, pp 1.1.1 & 2.2.6 to 2.2.7. A new manual update is currently in draft).

(iii) Rate of application (in terms of a.i. and product): Methyl bromide (100 percent) will be applied to the following imported commodities: avocados; bananas and plantains; blackberries and raspberries; opuntia; kiwi fruit; fresh herbs and spices; fresh or dried mints; fresh ginger foliage; and to the imported commodity group leafy vegetables not listed on the Methyl bromide Q labels, at rates up to 4 lb. per 1,000 cubic feet and held for 2 hours.

Methyl bromide (100 percent) may be applied to imported root and tuber crops not listed on the Methyl bromide Q labels at rates up to 3 lb. per 1,000 cubic feet and held for 3.5 hours.

Methyl bromide (100 percent) may be applied to imported dasheen at rates of up to 4 lbs per 1,000 cubic feet and held for 4 hours.

Maximum number of applications: The number of applicable commodity shipments anticipated during the exemption period is expected to be approximately 600 per year based on an average of nearly 450 treatments having been conducted over the past 3 years under the current exemptions for subject commodities, exclusive of kiwi for fiscal years 1997 and 1998.

A change in APHIS procedures requiring fumigation of kiwi from Chile as a condition of import has resulted in greatly increased fumigation numbers for fiscal years 1997 and 1998 (see attached Interim Use report--attachment 1). A proposal is currently under consideration by registrants for adding kiwi to the quarantine (Q) label. This will likely not be possible prior to the issuance of the requested quarantine exemption. Kiwi treatments would thus require approximately 400 kiwi applications per year, based on kiwi fumigation numbers of 172 in 1996 increasing to 336 in 1997 and 207 in 1998. At such time kiwi is added to the Q label, this additional 400 applications would be dropped from quarantine exemption.

Adding fresh herbs, mints, and ginger foliage to the quarantine exemption would be expected to add only a few applications per year, which will be covered by the above requested 600 fumigations per year.

(iv) Total Acreage (or other units) to be treated: 85 airports nationwide, 113 maritime seaports in the U.S. receive commodities which may require fumigation.

(v) Total amount of pesticide to be used (in terms of a.i. and product):

The annual amount to be used is estimated less than 8,000 lbs of 100% methyl bromide gas, based on average use of nearly 4,900 lbs, excluding kiwi applications in fiscal 1997 and 1998. Kiwi treatments would thus require approximately 40,000 lbs of additional 100% methyl bromide gas per year, based on kiwi fumigation use of 4,687 lbs in fiscal 1996, increasing to 33,456 in 1997 and 27,523 lbs in 1998. At such time kiwi is added to the Q label, this additional 40,000 lbs of additional 100% methyl bromide gas per year would be dropped from quarantine exemption.

Adding fresh herbs, mints, and ginger foliage to the quarantine exemption would be expected to add only a few applications per year, which should be covered by the above requested 8,000 lbs per year.

§160.20(a)(3) DESCRIPTION OF PROPOSED USE

Use season (period of time for which use of chemical is requested): Used as needed, no season applicable.

(vi) Additional restrictions, user precautions, and requirements, qualifications of applicators, etc.:

Fumigations are conducted by certified pesticide applicators under the supervision of Plant Protection and Quarantine (PPQ) Officers who are certified pesticide applicators specially trained by APHIS. (For further details, see Plant Protection and Quarantine Treatment Manual, revised 4/98--Attachment 4, e.g. pp 2.2.2-2.2.3; 2.2.7; 2.2.38.)

§160.20(a)(4) ALTERNATIVE METHODS OF CONTROL
(Efficacy data and/or other information included as a separate attachment)

(i) Registered Alternative Pesticides: There are no registered effective alternative pesticides for the commodities subject to this exemption.

(ii) Alternative Control Practices: Effective alternative control practices are not currently available for the commodities subject to this exemption. Produce from countries known to contain regulated pests or found to contain regulated pests would be denied entry to the U. S. if untreated.

A research program by the Methyl Bromide Industries Panel and various federal agencies, including the Agricultural Research Service and EPA, is designed to find alternatives for all agricultural uses of methyl bromide.

§160.20(a)(5) EFFECTIVENESS OF PROPOSED USE

Efficacy is based on knowledge of the effects of methyl bromide on similar species in the United States. In addition, outbreaks of foreign pests are managed by APHIS Plant Protection and Quarantine. None investigated in the past 10 years have resulted from fumigation failures.

§160.20(a)(6) EXPECTED RESIDUE LEVELS IN FOOD
(Residue data included as separate attachment)

Applications made in accordance with the above provisions are not expected to result in residues of methyl bromide in or on leafy vegetables and dasheen leaves, fresh herbs, fresh mint, or fresh ginger foliage in excess of 1 ppm, root and tuber crops including dasheen roots in excess of 5 ppm, and kiwi fruit in excess of 15 ppm.

§160.20(a)(7) DISCUSSION OF RISK INFORMATION
(Potential risks to human health, endangered or threatened species, beneficial organisms, and the environment from proposed use)

Description of application sites, including proximity to residential areas, aquatic systems, endangered or threatened species habitats, soil types, etc. The application sites are sealed chambers, tarpaulin enclosures, or other temporary enclosures at ports of entry. The methyl bromide exhausted after fumigation is diluted by the atmosphere before reaching proximity to residential areas, aquatic systems, etc. Methyl bromide is classified under the Clean Air Act as an ozone-depleting substance.

Possible risks posed by use: There may be human health and safety risks to the applicators or to personnel returning to the area after fumigation.

Proposals to mitigate risks: Risks to human health and safety are mitigated by careful monitoring for leaks and for levels of methyl bromide present prior to introduction of gas, during fumigations, and after exhausting, requiring people be further than 200 feet from outlets during the first 10 minutes while exhausting methyl bromide from a fumigation site, requiring applicators to wear approved supplied air respirators or SCBA while within 30 feet of the fumigation container or when exposure may occur to methyl bromide concentrations >5ppm, including any time the concentration is unknown, and assuring that applicators are trained in safety factors related to use of methyl bromide. OSHA standards are followed. (For further details, see Plant Protection and Quarantine Treatment Manual, revised 4/98--Attachment 4. e.g., pp 2.2.14; 2.2.19; 2.2.29-2.2.30; 2.2.34; 2.2.36; 2.2.39; 2.2.40)

§160.20(a)(8) COORDINATION WITH OTHER AFFECTED FEDERAL, STATE, AND LOCAL AGENCIES

(List of species of endangered or threatened species from USFWS included as separate attachment)

APHIS, PPQ has been delegated the responsibility for enforcement of the provisions of 7 USC, Section 150aa through 150jj; 7 USC 147A, and other related Acts to carry out operations or measures to detect, eradicate, suppress, control, and prevent or retard the spread of certain plant pests. While cooperation with state and/or other political subdivisions is provided for, the primary responsibility for carrying out these activities remains with APHIS.

§160.20(a)(9) NOTIFICATION OF REGISTRANT

The Methyl Bromide Industry Panel, Great Lakes Chemical Corp., Ameribrom, and Trical/SCC are receiving copies of this application.

§160.20(a)(10) ENFORCEMENT PROGRAM
(Explanation of legal authority and program resources for enforcement)

Fumigations are recorded at Ports of Entry on APHIS PPQ form 429. Data from the forms is transmitted electronically to APHIS PPD, Data Support Team for analysis. Fumigations conducted out of compliance with the Plant Protection and Quarantine (PPQ) Treatment Manual or the label are reported to PPQ to be addressed by management.

APHIS certifies all of its employees using, monitoring, or supervising the use of pesticides. The APHIS Certification Plan was approved by EPA as part of the USDA Federal Agency Plan on October 8, 1980 (40 CFR 66864-01)

§160.20(a)(11) REPEAT USES
(If use being requested is a repeat use, and final report has not been filed, interim final report included as a separate attachment)

Attachment 1

§160.20(c)(1) NAME OF PEST

Scientific Name: Exotic pests regulated by APHIS for quarantine to prevent entry into the U.S and subsequent damage to agricultural plants. Various scientific names.

Common Name: Exotic pests. Examples: oriental fruit moth, codling moth, apple maggot, apple curculio, twig borer, melon fruit fly, Mediterranean fruit fly, oriental fruit fly, cherry fruit fly, brown mite, green peach aphid, scales, thrips.

§160.20(c)(2) ORIGIN OF INTRODUCED PEST

Origin of pest, means of its introduction, and spread into the area (if known): Pests may originate in any country where regulated plant pests are indigenous. Their introduction on or in imported produce may result in virulent outbreaks of the pests in agricultural production areas because most disperse by flying.

§160.20(c)(3) IMPACT OF THE PEST

Anticipated impact of not controlling pest, and other information pertinent to economic importance of this pest: Introduction of exotic plant pests may cause severe economic damage to domestic crops. If introduced, eradication by APHIS and state and local governments is costly and involves some risk to human health and the environment. Regarding cost, an example is the medfly eradication program which costs about \$29 million per year.

If introduction is prevented by denying entry of produce, the United States market for these commodities would be denied.

COMPLIANCE WITH PR NOTICE 95-4; ALTERNATIVES RESEARCH

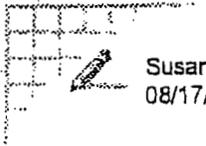
USDA and APHIS are actively seeking alternatives to methyl bromide fumigation for quarantine purposes. Specifically, APHIS

1. Developed a soapy water and wax treatment for cherimoya which allowed discontinuation of methyl bromide treatments under §18 file number 91-DA-27;
2. Proposed deregulation of brassware and wooden screens from Bombay, India, after determining that warehousing conditions have changed so as to no longer harbor khapra beetles;
3. Proposed irradiation treatments for various import, export and interstate commerce uses;
4. Established or proposed systems approaches using pre-clearance and certification programs, e.g., ¼ ripe Papaya from Brazil, Mexican Avocados, Mexican citrus from pest free areas, and a proposed Argentinean citrus program;
5. Proposed or implemented substitution of high temperature forced air, cold treatment, or controlled atmosphere treatments for fumigations of commodities tolerant to such treatments.

USDA, under leadership of the Agricultural Research Service, is managing a program to develop further alternatives for all agricultural uses of methyl bromide, including quarantine uses.

See Attachment 2 for documentation of these activities.

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Susan J O'Toole
08/17/2000 08:55 AM

To: Laws.Meredith@epa.gov@i@gw
cc: Carl P Bausch/MD/APHIS/USDA@USDA, David A Bergsten/MD/APHIS/USDA@USDA, Kenneth Dial/MD/APHIS/USDA@USDA, Ann M Nasr/MD/APHIS/USDA@USDA, Kelly E White/MD/APHIS/USDA@USDA, Stephanie H Stephens/MD/APHIS/USDA@USDA, Teung F Chin/MD/APHIS/USDA@USDA, Jane E Levy/MD/APHIS/USDA@USDA, Josie Cooley/NC/APHIS/USDA@USDA, Pete Witherell/NC/APHIS/USDA@USDA, rmack@cape.com@inter2@gw, ckusek@cape.com@USDA, Terry English/NC/APHIS/USDA@USDA, Philip B Grove/MD/APHIS/USDA@USDA, Scott Wood/NC/APHIS/USDA@USDA, mhowland@glcc.com@i@gw, Alan V Tasker/MD/APHIS/USDA@USDA, Joseph F Cavey/MD/APHIS/USDA@USDA
Subject: Amendment of Methyl Bromide Crisis Exemption - Snow Peas

The United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS) is amending the current methyl bromide crisis exemption to increase the treatment rate for snow peas from 3 lbs/1000 cubic feet to 4 lbs/1000 cubic feet.

USDA APHIS requests that the crisis exemption begin today, August 17, 2000. This exemption would then be incorporated into the most recent crisis declaration effective June 4, 2000 and expiring on September 3, 2000.

Currently, the label allows a maximum treatment rate of 3 lbs/1000 cubic feet; however, the temperature of the commodity may be no lower than 50 degrees in order for this treatment rate to work effectively. This temperature is too high to maintaining the quality of the snow peas and the result has been that treated snow pea shipments have had to be destroyed due to unmarketability of the product. If the temperature for treatment is lowered to 40 degrees, then the treatment rate must be increased to 4 lb/1000 in order to effectively eradicate the actionable pest.

Great Lake Chemicals has informed USDA APHIS that they support this use on snow peas.

An amendment to the Section 18 application to include an increase in the treatment rate for snow peas will be forthcoming.

If you have any questions about this crisis exemption, please do not hesitate to call Susan O'Toole at 301-734-5861.

Susan O'Toole

Susan O'Toole
USDA APHIS PPD
Environmental Services
4700 River Road, Unit 152
Riverdale, MD 20737-1236
Telephone: 301-734-5861
Fax: 301-734-5992

NOTE TO FILE: This is official correspondence. It does not exist on the I-drive as a formal letter. It was submitted as an e-mail.



United States
Department of
Agriculture

Animal and
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Policy and Program Development
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August 29, 2000

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Ariel Rios Building
Washington, DC 20460

ATTN: Meredith Laws, Team Leader

SUBJECT: Extension of MeBr Crisis Exemption Declaration for avocados; bananas and plantains; blackberries and raspberries; opuntia; kiwi fruit; leafy vegetables not listed on the Methyl bromide Q labels; root and tuber crops not listed on the Methyl bromide Q labels including dasheen; cucurbit vegetables not listed on the Methyl bromide Q labels; fresh ginger tops; fresh herbs; fresh and dried mint; and snow peas

Dear Ms. Laws:

The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA) is extending the Crisis Exemption (as detailed in 40 CFR §166.40, Subpart C) that was declared on March 3, 1999 and subsequently extended to end on September 3, 2000. This crisis extension is for fumigation uses of methyl bromide on imported commodities not currently on the Quarantine MeBr or MeBr 100 labels.

This crisis shall begin on September 4, 2000 and run through March 3, 2001, unless USDA APHIS is otherwise notified by United States Environmental Protection Agency (US EPA).

All imported commodities described in this Crisis Exemption have been listed either in an initial application for a quarantine exemption dated January 22, 1999 or two amended applications -- dated August 17, 2000 (via email) and August 29, 2000. These applications are currently under review by US EPA.



The following descriptions of use patterns, rates, and conditions pertain to this crisis exemption:

- i. Sites to be treated: Treatments will be conducted at Ports of Entry throughout the United States. Treatment sites are approved by APHIS Plant Protection and Quarantine Officers before treatment. The following raw agricultural produce will be treated as necessary to prevent the introduction of various plant pests not currently established in the United States: avocados; bananas and plantains; blackberries and raspberries; imported cucurbit commodities not listed on the Methyl Bromide Q labels; opuntia; kiwi fruit (*Actinidia chinensis*); fresh herbs and spices; fresh or dried mint, fresh ginger foliage; and leafy vegetables not listed on the Methyl Bromide Q labels; root and tuber crops not listed on the Methyl bromide Q labels, including dasheen (*Colocasia esculenta*).
- ii. Method of application: Fumigations will be conducted in chambers, under tarpaulins, or in other temporary enclosures.
- iii. Rate of application (in terms of a.i. and product): Methyl bromide (100 percent) will be applied to the following imported commodities: avocados; bananas and plantains; blackberries and raspberries; cucurbit commodities (except gherkins) not listed on the Methyl Bromide Q labels including Chinese wax gourd, Chinese preserving melon, winter melon, citron melon, edible gourds including hyuotan, cucuzza and *Luffa spp*, Chinese okra, *Momordica spp.*, chayote, and all melons (including Persian melon, pineapple melon, Santa Claus melon, and snake melon); opuntia; kiwi fruit; fresh ginger tops; fresh herbs; fresh mint; snow peas; and to the commodity group Leafy Vegetables and Brassica Leafy Vegetables not listed on the Methyl bromide Q labels, at rates up to 4 lb per 1,000 cubic feet and held for 2 hours. Methyl bromide (100 percent) will be applied to imported gherkins at rates up to 3 lb per 1,000 cubic feet and held for 2 hours. Methyl bromide (100 percent) will be applied to imported root and tuber crops not listed on the Methyl bromide Q labels at rates up to 3 lb per 1,000 cubic feet and held for 3.5 hours. Methyl bromide (100 percent) will be applied to imported dasheen at rates of up to 4 lb per 1,000 cubic feet and held for 4 hours. Methyl bromide (100%) may be applied to dried mint at rates up to 3 lb per 1000 cubic feet and held 16-24 hours.

With the exception of fresh herbs, fresh or dried mints, fresh ginger foliage, the additional cucurbits not mentioned on the Q label, and snow peas, the above-listed imported commodities were assigned the following US EPA file symbols in the quarantine exemption approval letter dated March 4, 1996: 95-DA-06, 95-DA-07, 95-DA-08, 95-DA-09, 95-DA-10, and 95-DA-12.

If you have any questions regarding this crisis exemption, please contact Susan O'Toole at (301) 734-5861 or e-mail Susan.J.O'Toole@usda.gov.

Sincerely,

/s/ Carl Bausch

Carl Bausch
Deputy Director, Environmental Services
Policy and Program Development

cc:

R. Dunkle, APHIS, PPQ, ODA, Riverdale, MD

J. Levy, APHIS, PPQ, AQI, Riverdale, MD

D. McAllister, Great Lakes Chemical Corporation, West Lafayette, IN

R. Westin, AmeriBrom, Inc., New York, NY

T. Duafala, Trical/SSC, Hollister, CA

File:§18/Methyl Bromide/fy2000/applications/crisis exemption

bcc:

R. Campbell, Guam Department of Agriculture, Territory of Guam

Lt. E. Hoffman, DSCP, West Coast Command, US Navy, San Diego, CA

APHIS:PPD:DS:SO'Toole:an:734-5861:08-?-00:i:\ppd\ds\pq-vs-is\me-br\draftappl\Meb18-crisisext23Aug.lwp





United States
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Washington, DC 20460

ATTN: Meredith Laws, Team Leader

SUBJECT: Amendment of Application for Section 18 MeBr Crisis Exemption to include cucurbit crop group commodities not listed on the Methyl Bromide Q labels; fresh ginger tops; fresh herbs; fresh and dried mint; and snow peas

Dear Ms. Laws:

The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA) is amending the original application for a quarantine exemption to use methyl bromide under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to include cucurbit crop group commodities not listed on the Methyl Bromide Q labels; fresh ginger tops; fresh herbs; fresh and dried mint; and snow peas. Since the application was submitted on January 22, 1999, APHIS USDA has issued Crisis Exemptions for these commodities.

The treatment rates are as follows:

Methyl bromide (100%) may be applied to cucurbit commodities (except imported gherkins) at up to 4 lb per 1,000 cubic feet for 2 hours. Methyl bromide (100%) may be applied to imported gherkins at rates up to 3 lb per 1,000 cubic feet for 2 hours. Methyl bromide (100%) may be applied to fresh ginger tops, fresh herbs, and fresh mint at rates up to 4 lb per 1,000 cubic feet and held for 2 hours. Methyl bromide (100%) may be applied to dried mint at rates up to 3 lb per 1000 cubic feet and held for 16-24 hours.

If you have any questions regarding this amendment, please contact Susan O'Toole at (301) 734-5861 or e-mail Susan.J.O'Toole@usda.gov.

Sincerely,

/s/ Carl Bausch

Carl Bausch
Deputy Director, Environmental Services
Policy and Program Development



APHIS- Protecting American Agriculture

An Equal Opportunity Employer

cc:

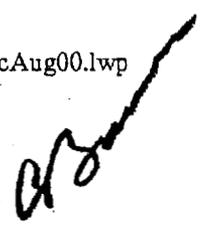
R. Dunkle, APHIS, PPQ, ODA, Riverdale, MD
J. Levy, APHIS, PPQ, AQI, Riverdale, MD
D. McAllister, Great Lakes Chemical Corporation, West Lafayette, IN
R. Westin, AmeriBrom, Inc., New York, NY
T. Duafala, Trical/SSC, Hollister, CA

File: §18 Methyl Bromide/ food uses/application file

bcc:

R. Campbell, Guam Department of Agriculture, Territory of Guam
Lt. E. Hoffman, DSCP, West Coast Command, US Navy, San Diego, CA

APHIS:PPD:DS:SO'Toole:an:734-5861:08-?-00:i:\ppd\ds\pq-vs-is\me-br\draftappl\AmendApplicAug00.lwp

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United States
Department of
Agriculture

Animal and
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July 26, 2001

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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Ariel Rios Building
Washington, DC 20460

ATTN: Meredith Laws, Team Leader

SUBJECT: **Amendment of Application for Section 18 MeBr Crisis Exemption to include lychees fruit not listed on the Methyl Bromide Q labels**

Dear Ms. Laws:

The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA) requested and received verbal confirmation yesterday from you regarding a Federal Quarantine Crisis Exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to include lychees not listed on the Methyl Bromide Q labels. APHIS requests an amendment to the original application for a quarantine exemption to include this commodity on the Methyl Bromide Q labels.

The treatment rates are as follows: Methyl bromide (100%) may be applied to lychees commodities at 4 lb per 1,000 cubic feet for 2 hours at 60-69° F or at 3 lb per 1,000 cubic feet at 70-79° F.

If you have any questions regarding this amendment, please contact either Susan O'Toole at (301) 734-5861 (e-mail: Susan.J.O'Toole@aphis.usda.gov) or David A. Bergsten at (301) 734-6103 (e-mail: David.A.Bergsten @aphis/usda.gov).

Sincerely,

/s/ Carl Bausch

Carl Bausch
Deputy Director, Environmental Services
Policy and Program Development



APHIS- Protecting American Agriculture

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cc:

R. Dunkle, APHIS, PPQ, ODA, Riverdale, MD

J. Levy, APHIS, PPQ, AQL, Riverdale, MD

D. McAllister, Great Lakes Chemical Corporation, West Lafayette, IN

R. Westin, AmeriBrom, Inc., New York, NY

T. Duafala, Trical/SSC, Hollister, CA

File:§18 Methyl Bromide/ food uses/application file

bcc:

R. Campbell, Guam Department of Agriculture, Territory of Guam

Lt. E. Hoffman, DSCP, West Coast Command, US Navy, San Diego, CA

APHIS:PPD:DABergsten:an:734-6103:07-26-01.i:\ppd\ds\pq-vs-is\me-br\draftappl\AmendApplicJul01.lwp

A handwritten signature or scribble in black ink, located on the right side of the page. It consists of several loops and a long, jagged tail extending upwards and to the right.

Susan J O'Toole
05/28/2002 04:19 PM

To: rosenblatt.dan@epa.gov
cc:
Subject: Declaration of Crisis: Methyl Bromide and Australian cottonseed

Dear Mr. Rosenblatt,

In the interest of safeguarding U.S. crops (including cotton, alfalfa and okra) from infestations of *Fusarium oxysporum* f. sp. *vasinfectum* (FOV; Fusarium wilt of cotton), an invasive, non-indigenous pathogen currently present in Australia, USDA APHIS is declaring a crisis under section 18 of FIFRA permitting an increase in the amount of methyl bromide used to treat cottonseed to be sold for use as cattle feed (with no further processing.) The vegetative compatibility groups of FOV in Australia have a significantly different biology than that of FOV in the United States and have the potential to significantly affect the production of U.S. crops. The treatment schedule is 7 lbs per 1,000 cubic feet with a minimum concentration reading of 30 ounces at 24 hours. USDA APHIS requests that this crisis exemption cover both the Meth-O-Gas Q Label (EPA Reg. No. 5785-41) and the Meth-O-Gas 100 Label (EPA Reg. No. 5785-11); the Meth-O-Gas 100 Label is distributed in Australia. A letter amending the section 18 application (pending since January of 1999) to add this treatment as an exempted use will be forthcoming. The registrant, Great Lakes Chemical Corporation, supports this crisis declaration.

The Meth-O-Gas 100 Label (EPA Reg. No 5785-11) permits treatment of the raw agricultural commodity (RAC) cottonseed at rates up to 8 lb/1,000 cubic feet, with a tolerance of 200 ppm; this same label permits the treatment of animal feed at rates no higher than 2 lb/1,000 cubic feet, yet the tolerance is 400 ppm. Since the tolerance for animal feed is twice as high as the tolerance for the RAC, which has a lower tolerance at significantly higher treatment rates, USDA APHIS believes that there are sufficient data to support this change in the use pattern. The Meth-O-Gas Q label (EPA Reg. No. 5785-41) currently states that the treatment of cottonseed (labeled for rates up to 11 lb/1,000 cubic feet) is for non-food uses only.

The situation involves an entire shipload (ca. 25,000 tons) of Australian cottonseed which is waiting at the dock to be loaded on a ship bound for the U.S. There are 5-7 shiploads of Australian cottonseed designated for use as cattle feed shipped yearly. While we are dealing with a significant safeguarding concern, we are dealing with a significant trade issue as well.

If you have any questions regarding this declaration of crisis exemption, please do not hesitate to contact me.

Sincerely,
Susan O'Toole

Susan O'Toole
Environmental Services
Animal and Plant Health Inspection Service
United States Department of Agriculture
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301-734-5861
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United States
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Agriculture

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Plant Health
Inspection
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ENQL 7-1 CY02
PERMANENT
Retire 05/07

May 29, 2002

Document Processing Desk (EMEX)
Office of Pesticide Programs (7504C)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

ATTN: Dan Rosenblatt, Acting Team Leader, Emergency Response Team

SUBJECT: **Amendment of Methyl Bromide Section 18 Application, dated
January 22, 1999; imported cottonseed intended for use as cattle feed**

Dear Mr. Rosenblatt:

The United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA APHIS) is amending the original application for a quarantine exemption permitting the use of methyl bromide under the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, to include a treatment for cottonseed intended for use as food or feed. Treatments will be made at foreign ports of departure to safeguard U.S. crops from a non-indigenous strain of the plant pathogen which causes Fusarium wilt of cotton. Since the original application (dated January 22, 1999) and subsequent to its amendments (dated August 20, 2000 and July 26, 2001), APHIS USDA issued a Crisis Exemption (dated May 28, 2002) for cottonseed designated as animal feed. This amendment is requesting three changes to the application as follows: 1) an increase in the rate permitted for use on cottonseed to be used as food or feed (7 lb/1,000 cu ft); 2) the use of two methyl bromide products at the higher rate on cottonseed (Meth-O-Gas Q; EPA Reg. No. 5785-41 and Meth-O-Gas 100; EPA Reg. No. 5785-11); and 3) the use of either methyl bromide label on all section 18 commodities at foreign ports of departure. The Meth-O-Gas 100 label is distributed abroad; Meth-O-Gas Q is available for domestic use.

The following descriptions of use patterns, rates, and conditions pertain to this amended application:

Sites to be treated: Treatments will be conducted at Ports-of-Entry throughout the United States, *or at foreign ports of departure (amendment)*. Treatment sites are approved by APHIS Plant Protection and Quarantine Officers before treatment. The following commodities



will be treated as necessary to prevent the introduction of various plant pests not currently established in the United States: avocados; bananas and plantains; blackberries and raspberries; *cottonseed for use as food or feed (amendment)*; cucurbits not listed on the Methyl Bromide Q labels; cucurbit seeds, edible (shelled and unshelled); ginger foliage (fresh); herbs and spices (fresh); kiwi fruit (*Actinidia chinensis*); leafy vegetables (including Brassica leafies) not listed on the Methyl Bromide Q labels; lychee fruit; mint (fresh and dried); opuntia; root and tuber crops not listed on the Methyl bromide Q labels, including dasheen; and snow peas.

Method of application: Fumigations will be conducted in chambers, under tarpaulins, or in other temporary enclosures.

Rate of application (in terms of a.i. and product): Commodities will be fumigated with 100% methyl bromide as described in Table 1 and as detailed in the USDA APHIS Plant Protection and Quarantine Treatment Manual (www.aphis.usda.gov/ppq/manuals/pdf_files/TM.pdf).

Table 1. USDA APHIS Methyl Bromide Treatment Schedule for Commodities covered under FIFRA section 18 Crisis Exemption

Commodity	Minimum Temperature (degrees F)	Maximum Dosage Rate (lb/1,000 cu ft)	Exposure Period (hours)
Avocados	70	2	4
Bananas and plantains	40	4	2
Blackberries and raspberries	40	4	2
Cucurbit seeds, edible (shelled/unshelled)	40	9	12
<i>Cottonseed for use as food or feed</i>	40	7	24
Cucurbit vegetables (except gherkins)	40	4	2
Gherkins (cucurbit)	50	3	2
Ginger tops, fresh	40	4	2
Herbs and spices, fresh	40	4	2
Kiwi Fruit	40	4	4
Leafy Vegetables not on the Q Label (including Brassica Leafies)	40	4	2
Lychee fruit	60	4	2
Mint, dried	40	3	24
Mint, fresh	40	4	2
Opuntia	40	4	3.5
Root and tubers not on Q Label, such as cassava (other than dasheen)	60	3	3.5
Dasheen (root and tuber)	40	3	4
Snow peas	40	4	2

With the exception of *cottonseed for use as food or feed (amendment)*, the additional cucurbits not mentioned on the Q label, edible cucurbit seeds, fresh ginger foliage, fresh herbs, lychee fruit, fresh or dried mint, and snow peas, the above-listed imported commodities were assigned

W. T. ...

the following US EPA file symbols in the quarantine exemption approval letter dated March 4, 1996: 95-DA-06, 95-DA-07, 95-DA-08, 95-DA-09, 95-DA-10, and 95-DA-12.

If you have any questions regarding this amendment to the USDA APHIS methyl bromide section 18 application, please do not hesitate to contact Susan O'Toole at 301-734-5861, or by e-mail at Susan.J.O'Toole@aphis.usda.gov.

Sincerely,

Carl Bausch
Deputy Director, Environmental Services
Policy and Program Development

cc:

R. Nosbaum, USDA, APHIS, PPQ, RC Riverdale, MD (by e-mail)
J. Levy, USDA, APHIS, PPQ, AQI, Riverdale, MD (by e-mail)
M. Howland, Great Lakes Chemical Corporation, West Lafayette, IN
Regulatory Affairs Department, AmeriBrom, Inc., Fort Lee, NJ
T. Duafala, Trical/SSC, Hollister, CA

File:§18 Methyl Bromide/ food uses/application file (FY2002)

bcc:

R. Campbell, Guam Department of Agriculture, Territory of Guam
Lt. E. Hoffman, DSCP, West Coast Command, US Navy, San Diego, CA

APHIS:PPD:ES:SO'Toole:an:734-5861:05-29-02:1\PPD\ds:PQ-VS-IS\ME-BR\Draft\Appl-AmendAppMay02.doc