

**Welcome to Auburn University
and the 2008 Southern Forest
Nursery Management
Cooperative Advisory Meeting.**

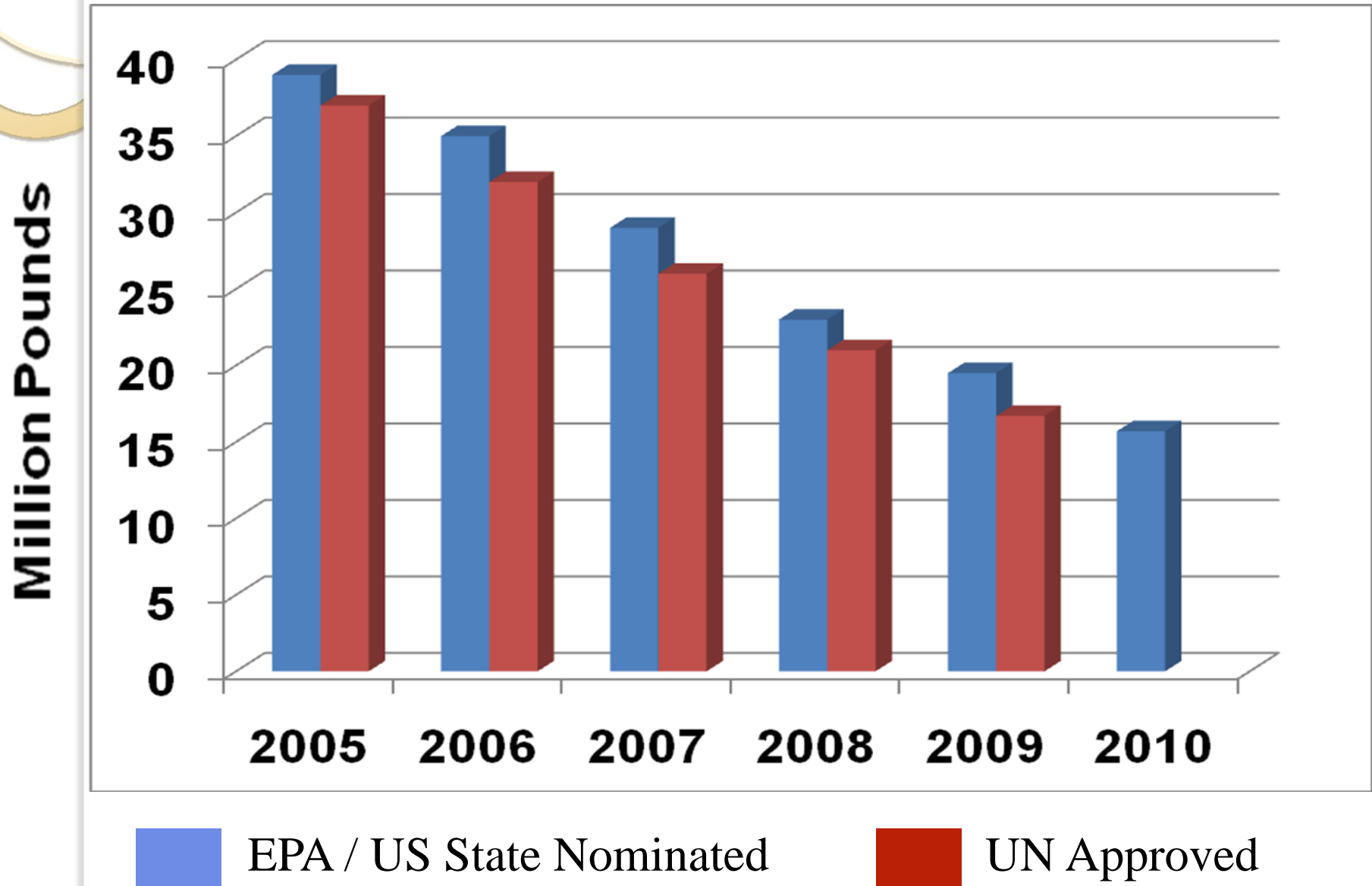


An update on the Critical Use Exemption

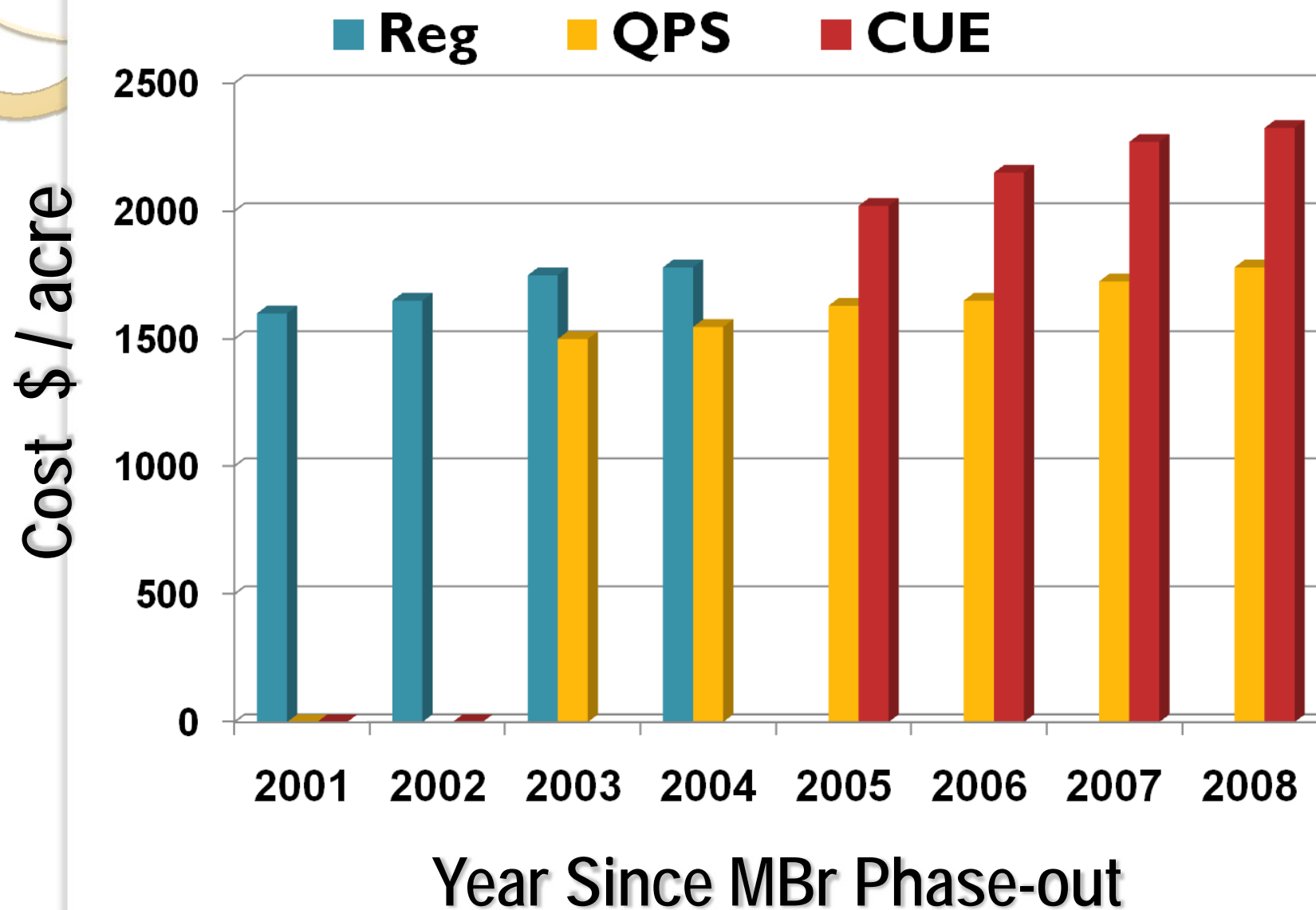


Scott Enebak
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U.S. CUE End-User Applications



Cost & Source of MBr



CUE:

- **Approval for 2009 is “hung-up” in Office of Management & Budget (OMB) and has requested more information from the Crop Protection Coalition.**
- **A number of 30-day notice for comments required to Finalize EPA CUE allocation Rule.**
- **Final CUE Allocation will not be published before 2009.**
- **No CUE MBr available January 2009 – March 2009.**
- **Working on an “interim” rule to allow CUE MBr to be used by CUE users.**

CUE:

- **MeBTOC has its sights set on replacing MBr with MI (Iodomethane).**
- **Requested information from nursery seedling producers as to why MI would not be a “economically and technically feasible alternative to MBr”.**
- **EPA has requested information from all CUE applicants explaining why we don’t use MI.**
- **Expect 2011 CUE amounts to be reduced because MI is now labeled for use in the US.**
- **Letter to EPA explaining Nursery Cooperative position is in your packet.**

QPS: Preplant use of MBr for Intra- and Inter-state movement of seedlings.

- **Still waiting for VA and TN to finalize their rules.**
- **Significant push by European Union to significantly reduce QPS use worldwide.**
- **Claims U.S. is playing games with EU & strong feelings that pre-plant uses lack efficacy data to adequately get control based on EU standards.**
- **Pending Conference by European Union to rework definitions outlined in the Montreal Protocol.**
- **EU claims that state boundaries do not count – QPS in the Montreal Protocol was for International Boundaries.**
- **Rules put into place after 1993 do not count based on international rules.**
- **USDA Official: “tend to agree with EU that definitions do not follow the rules”**

Pesticide Updates

- GoalTender now costs the same as Goal2xl
- Goal 2XL has a 3 day REI and GoalTender has a 1 day REI
- Proline label moving along: Tom Starkey
- Methyl Iodide (Midas) renewed for another 1-year period.
 - Still expensive & difficult to obtain
 - May want to try this compound as a MBr alternative
 - May have no choice but to use this compound

Risk Mitigation: (Flash Back November 2007)

- Registration of Methyl Iodide
 - Decent seedling production, good soil-borne fungi control, moderate *Trichoderma spp*, so-so weed control. RR 2006-05
 - After a cantankerous debut, MI was approved by EPA for a trial period of 1 year.
 - Strongest label restrictions of any soil-fumigant
 - Buffers, Area Restrictions, Rate Restrictions, 175 lb/acre Midas (50:50 / MI/ Chloropicrin)
 - Eerily, Shockingly, Frighteningly, Scarily similar to proposed Risk Mitigation rules for MBr, Chloropicrin, Sectagon, Telone, Dazomet
 - Deadline for those comments = November 3, 2007

Risk Mitigation – Glennville, GA (Flash Back November 2007)



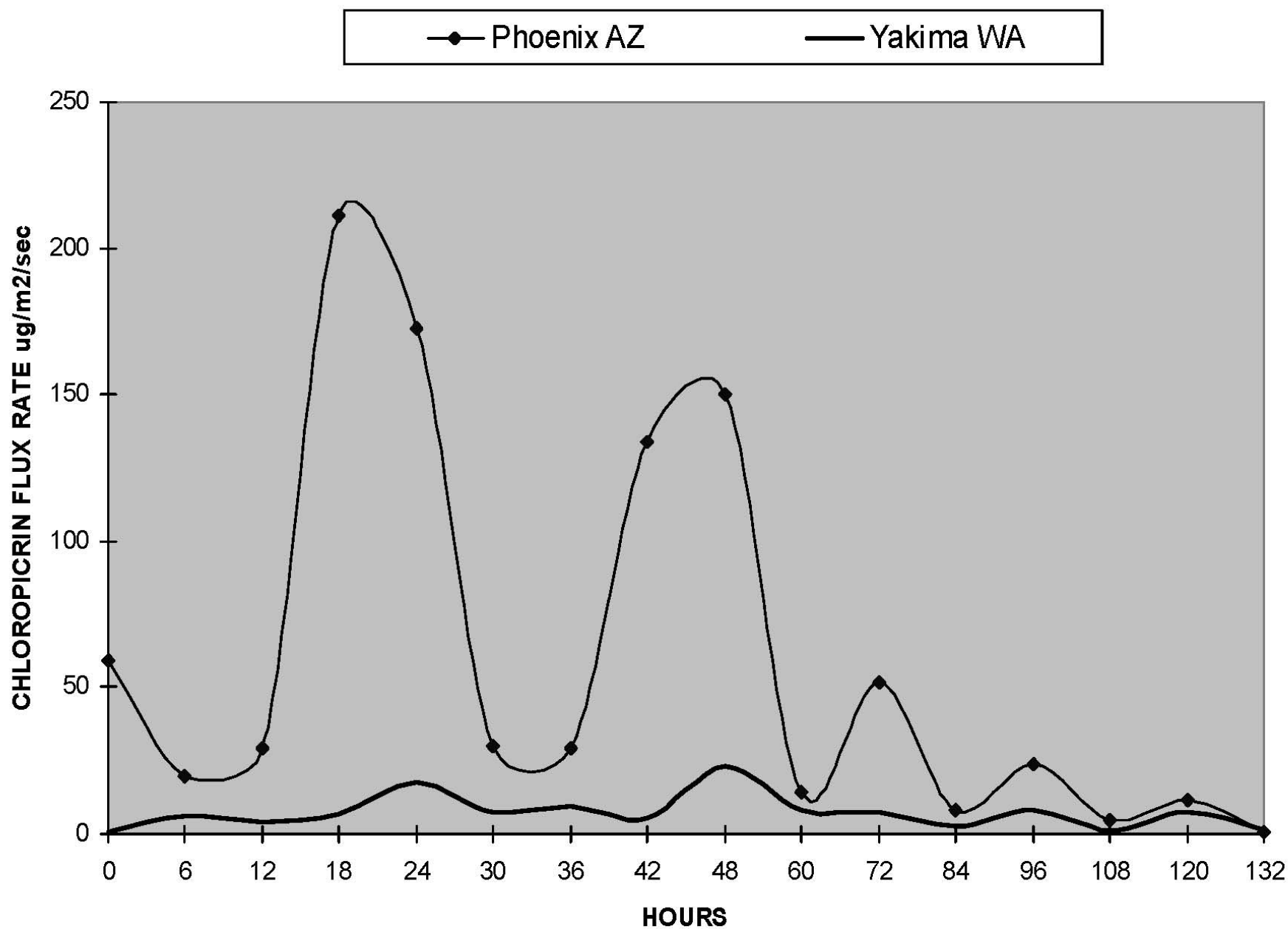
EPA – Glennville, GA (Flash Back November 2007)

- Indicated that they would bring their findings to the people who make the decisions.
- Economics is an important factor in their process.
- Had an appreciation of the equipment used and problems associated with the tarping system.
- Witnessed the scheduling problems due to soil conditions.
- Rule(s) will be formulated and published in early 2008 (Were published in July 2008)
 - Will be no comment period
 - Will be comment period

Risk Mitigation: November 2008

- Risk Mitigation Rules / Deadline October 30, 2008
- EPA is aware of forest nursery concerns – “considerable number of comments and letters from forestry community”
- In Meetings with EPA: “look at all the comments” “fine tune rules” “not a put on the shelf and walk away like other pesticide issues” “iterative process” “4-5 yr timeframe” “continue to work with users and registrants” Lack “key cropping system use” Need “emission and flux data from flat tarping systems” “buffers are not going to change” “compelling reason to stick to the science” “discuss implementation of the rules”
- Steve Bradbury “has a good attitude” and “willingness to consider new data” and he is the Director.

CHLOROPICRIN EMISSION RATES FROM PHOENIX ARIZONA AND YAKIMA WASHINGTON BROADCAST TARPED APPLICATIONS



Typical PNW chloropicrin application
method:

Broadcast tarped, 200 lb/acre

-- *The RED used the Phoenix Broadcast tarped study to predict emissions "to be conservative." The Yakima broadcast tarped study was not used.*

CHLOROPICRIN EMISSION PARAMETERS AND RESULTS FOR SHANK APPLICATIONS

FIELD LOCATIONS	APPLICATION METHOD	SOIL TEXTURE	PERCENT ORGANIC MATTER	PRE-APPLICATION SOIL MOISTURE %Field Capacity	AIR TEMP Deg C	APPLIED Lbs/ GROSS ARCE	ACTUAL PEAK PIC FLUX RATE (ug/m2/s)	PEAK FLUX RATE @175 lb/ac (ug/m2/s)
Phoenix AZ	Broadcast Nontarped	Loam	0.61	55	~20	171	180	184
Phoenix AZ	Bedded Nontarped	Sandy Loam	0.23	64	~20	86	114	232
Phoenix AZ	Bedded Tarped	Sandy Loam/Loam	0.29	51	~20	189	142	132
Phoenix AZ	Broadcast Tarped	Loam	0.38	36	~20	332	211	111
Yakima WA	Broadcast Tarped	Loam	1.55	100	~7	343	23	12
Bradenton FL	Boadcast Tarped	Sand	1.58	100	~17	346	58	29
Wasco CA	Broadcast Tarped	Sandy Loam	0.53	77	~20	358	75	37
Wasco CA	Strip Tarped	Sandy Loam	0.55	78	~20	165	38	40
Wasco CA	Broadcast Nontarped Shallow	Sandy Loam	0.54	73	~20	197	61	54
Wasco CA	Broadcast Nontarped Deep	Sandy Loam	0.66	73	~20	321	75	41

Counter Proposal

- Discussion
 - Changes / Additions / Deletions
- Vote
 - Can your organization live with these rules?
 - Send letter to EPA (private / public)
- Other Avenues
 - Class action lawsuit
 - Convert to strip application
 - Telone C 35