

## Europe

### European Union probes pesticide import rules in UK, Italy, Poland and Hungary

An investigation is to be carried out by the European Union into whether practices that make parallel imports of pesticides from other Member States are being undertaken by the UK, Italy, Poland and Hungary. Parallel imports are permitted if the substance concerned is already approved for sale in the receiving country. (For more information see: Europe Information Service sa, Avenue Ad Lacomble 66, B-1030, Brussels, Belgium; Tel: 322 737 77 09; Fax: 322 732 67 57; Website: <http://www.eis.be>)

CBNB

### Commission Decision of 19 October 2005 allowing Member States to extend provisional authorisations granted for the new active substances boscalid, indoxacarb, spinosad and *Spodoptera exigua* nuclear polyhedrosis virus

Adopted on 19 October 2005. The Commission of the European Communities has permitted Member States to extend provisional authorisations for plant protection products containing boscalid, indoxacarb, spinosad or *Spodoptera exigua* nuclear polyhedrosis virus for a period not exceeding 24 months from the date of adoption of this Decision. The rapporteur Member States submitted the draft assessment reports to the Commission on 22 November 2002 (boscalid - BASF), 7 February 2000 (indoxacarb - DuPont), 5 March 2001 (spinosad - Dow AgroSciences) and 19 November 1999 (*Spodoptera exigua* nuclear polyhedrosis virus - Biosys). (For more information see: <http://europa.eu.int/eur-lex/lex/en/index.htm>)

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### Commission Directives amending Council Directive 91/414/EEC to include bifentazate, milbemectin, MCPA, MCPB, chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb, and metiram as active substances

Adopted on 21 September 2005. The Commission has directed Member States to, where necessary, amend or withdraw existing authorisations for plant protection products containing MCPA, MCPB, bifentazate or milbemectin as active substances by 31 May

2006. Adopted on 21 October 2005. The Commission of the European Communities has directed Member States, where necessary, to amend or withdraw existing authorisations for plant protection products containing chlorpyrifos, chlorpyrifos-methyl, mancozeb, maneb or metiram as active substances by 31 December 2006. (For more information see: <http://europa.eu.int/eur-lex/lex/en/index.htm>)

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## Herbicides

### Lexus and Atlantis herbicide registrations held up in UK

Crop growers in the UK are still waiting to hear whether a potentially valuable herbicide will receive official approval. The UK's Pesticides Safety Directorate has yet to make a decision on the registration of two highly active blackgrass weedkillers, Lexus (flurpyrsulfuron-methyl) and Atlantis (iodosulfuron-methyl-sodium plus mefenpyr-diethyl plus mesosulfuron-methyl), because of worries over the build-up of resistance to the sulfonylurea chemical class. Trials by distributors suggest that in sequence they could be very effective.

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### Prosulfocarb registration delay exacerbates resistance problem

Syngenta reports that its new grass herbicide prosulfocarb has failed registration for autumn 2005 UK use; approval is now expected for autumn 2006. Coupled with the increasing resistance to Atlantis (iodosulfuron-methyl-sodium plus mefenpyr-diethyl plus mesosulfuron-methyl) and other herbicides and the lack of development of other new products, the agricultural industry trusts that farmers will use the available products responsibly.

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## North America

### California pesticide bills

Two pesticide bills, AB 405 and AB 1011, were signed into law by California Governor Arnold Schwarzenegger on 7 October 2005. AB 405 bans the use of experimental, banned and unregistered pesticides in schools, while AB 1011 makes it a requirement for pesticide retailers to register with the California Department of Pesticide Regulation (DPR) to become independent pesticide brokers. AB 1011 also requires the retailers to provide sales report to DPR and pay assessments on sales of pesticides. However, the governor vetoed pesticide violation enforcement bill SB 455. The governor noted that the bill SB 455 expands liability and restricts discretion by the enforcement officer. The bill calls for the

standardisation of pesticide violation reporting procedures in California counties and imposes mandatory fines on pesticide violations in the state.

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### California charges Wal-Mart with pesticide sales violations cbnb

Wal-Mart has been accused by the California Department of Pesticide Regulation of failing to pay the required state taxes on pesticide products as well as of illegally selling some of the products. The company has pledged to cooperate fully after acknowledging its failure to respond to DPR's attempt to resolve the conflict. California imposes a fee on all pesticide sales through mill assessment, which was equivalent to 2.1 cents/dollar of sales. A DPR letter noted that unregistered pesticide products were found to be on sale on inspections from February 2001 to August 2005. Requests for sales figures on these products were made but the company continued to offer the pesticides, namely Eliminator Lawn Insect Killer Granules with Sevin, Ortho Weed-B-Gon Max (Ready Spray), and Worryfree Slug and Snail Bait.

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### California lawsuit alleges farm workers deliberately sprayed with pesticide

A civil lawsuit was filed by the Kern County, California District Attorney's Office on 26 July 2005 against San Joaquin Helicopters, for alleged deliberate spraying of Baythroid 2 insecticide (cyfluthrin) on more than 24 vineyard workers. The lawsuit seeks at least \$105,000 in penalties against the company for the alleged incident, which happened on 12 May 2005, near Arvin, CA. The pilot was said to have made two additional pass on a citrus field adjacent to the vineyard even after seeing the vineyard workers after the initial pass. The workers suffered headaches, difficulty in breathing, chest pains, vomiting, nausea, tingling lips, a numb tongue, and weak arms and legs.

CBNB

### Pesticide industry calls for mandatory container recycling

Representatives from the US pesticide industry requested EPA to require all registrants to take part in a pesticide container recycling programme in a meeting with Administrator Stephen Johnson on 26 August 2005. The meeting was called due to rising concerns over the industry's present, voluntary recycling programme, managed by the Ag Container Recycling Council. Industry and government officials believe

that an effective recycling programme and a framework on how to get back on track should be developed. Industry representatives suggested that EPA should modify a rule on the disposal of pesticide containers to include minimum standards for recycling and mandatory participation in a recycling programme. The rule would include all agricultural and speciality pesticide products, not consumer ones. This would also encourage voluntary recycling on the part of end users and enable registrants to choose how they recycle.

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### Michigan judge considers class action status for dioxin lawsuit

A Michigan state judge held a two-day hearing to determine if class action status will be granted to a lawsuit filed by more than 2000 individuals against Dow Chemical. The plaintiffs asserted that their property values have been diminished due to contamination by dioxins from the company's plant in Midland, MI that is situated on the banks of the Tittabawassee River. The facility has produced different products, including styrene, mustard gas, Saran Wrap, butadiene and various pesticides. Dioxin from the plant is said to penetrate into the river sediment and when the river floods, the contaminated sediment is left behind on the said properties. Discovery proceedings in the case are awaiting the class decision.

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### Pesticide group asks judge to confirm arbitration award

The Spray Drift Task Force (SDTF) requested a federal judge for the confirmation of an arbitration award in a lawsuit, relating to the use of its data by another company to register a pesticide with the EPA. SDTF is a joint venture of 42 pesticide manufacturers including BASF, Bayer CropScience, Dow AgroSciences and DuPont. It is aimed at developing and acquiring pesticide spray drift data needed to comply with data requirements for registering pesticide products under FIFRA in the United States and Canada. A petition was filed by SDTF to confirm an arbitrator's award of \$671,472 plus interest against Burlington Scientific. That amount was assessed for the company's failure to compensate SDTF for data used to support its registration of the pesticide carbaryl. When the companies could not agree on compensation terms, SDTF initiated an arbitration proceeding and a hearing was held in Washington, DC. Burlington Scientific failed to participate in the hearing

and will not pay the award according to SDTF. This impelled SDTF to seek court confirmation of the award to enforce its terms.

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### Ag-Mart ordered to pay \$111,200 in fines

Florida regulators imposed an \$111,200 fine on tomato grower Ag-Mart Inc of Florida for pesticide misuse. The fine came after investigation by state and federal officials showed that the company was cited 88 times for state regulation violations on ensuring consumer and worker safety. The company earlier pledged to stop using pesticides that were believed to be linked to birth defects on babies born to three of its field workers. The Collier County, Florida Health Department released a report on 12 October 2005 indicating that the birth defects may not be related to pesticide exposure. The agency noted that the deformities were different from each other and the mothers were not exposed at a time that was likely to cause the deformation. The company will maintain its use of methyl bromide on the basis that there is no safe alternative for the compound.

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### Fungicides

#### Revised thiram fate assessment lists expected environmental risk

The Environmental Fate and Effects Division (EFED) of EPA's Office of Prevention, Pesticides, and Toxic Substances released a revised thiram environmental fate risk assessment on 30 September 2005. Highlights of the risk assessment are a re-characterisation of the acute risk to birds and mammals and additional new information about risks of seed treatments. Thiram, technical registrant of which is UCB Chemicals Corp, is registered as an animal repellent and seed protectant, as well as for foliar application as a fungicide on apples, peaches, strawberries and non-residential turf. 840,000 lbs of the active ingredient were sold for seed treatment in 1998, while 139,000 lbs were sold in the USA for foliar and turf applications. The EFED revealed that the use of thiram on strawberries, apples, peaches and non-residential turf is expected to pose a risk to numerous species, while current application puts acute risk to aquatic animals, including endangered and non-endangered fish, aquatic vertebrates and amphibians.

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### Insecticides

#### EPA seeks comment on lindane action plan

A draft action plan to lower or ban the use of lindane in North America within 10 years has been released by the Commission for Environmental Cooperation, a NAFTA-related agency, in a bid to seek comments until 2 November 2005. The Environmental Protection Agency, which chairs the North American Task Force on Lindane, noted that lindane is a persistent organic pollutant that accumulates in animals, fish and the environment. It is also passed up the food chains to humans where it accumulates in body fats and milk. Lindane is utilised as a pharmaceutical to treat lice and cabbies in humans as well as agricultural and veterinary insecticide.

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#### EPA issues reminder notice of upcoming chlorpyrifos ban

Products containing chlorpyrifos may no longer be used for termite control effective 31 December 2005, according to EPA. Chlorpyrifos is commonly added to the soil before house foundations are poured. However, critics dispute that chlorpyrifos could travel through the porous concrete and thus expose residents. The notice was released 30 August 2005 in line with the agency's decision in June 2000 to ban chlorpyrifos for that application. The ban was supported by studies linking chlorpyrifos to neurological impairments in children and other forms of cancer. It calls for phase-outs in any type of application, which may lead to children exposure at schools, day care centres, parks, hospitals and retail stores.

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#### Minor food tolerance changes noted in carbofuran assessment

The EPA has suggested several food tolerance modifications after conducting a human health risk assessment on the carbamate pesticide carbofuran. About 1.5 M lbs/y of carbofuran are estimated to be used in the USA as an insecticide and nematicide for control of soil and foliar pests. The N-methyl carbamate has no registered uses for residential settings. Carbofuran is used on food crops, primarily alfalfa, corn, cotton and potatoes. Non-food uses include cotton, ornamental and shade trees, ornamental plants and tobacco. FMC Corp is the technical registrant. Presently, there are 40 listed tolerances for carbofuran on fruits, vegetables, field and grain crops and milk. EPA intends to cancel the time-limited tolerance on canola and the

tolerance on raisin waste. New tolerances are being proposed for barley, hay, cotton, gin by-products, oat hay and forage, wheat hay and forage, grain and aspired fractions.

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### *Methyl bromide*

#### **Methyl bromide CUEs to decline in 2006, but interest group**

The United Nations (UN) has reported that the methyl bromide critical use exemptions (CUEs) for 2006 have been approved by the parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The second extraordinary meeting of the parties was held in Montreal on 1 July 2005, attended by 189 representatives of protocol signatories. Countries that are requesting CEUs for 2006 include the USA, UK, Australia, Belgium, Canada, Germany, Greece, Ireland, Italy, Japan, Latvia, Malta, Netherlands, Poland, Portugal and Spain. Methyl bromide is used as a fumigant. The UN report noted that the 1 July approval covers CEUs totalling 13,014 tons for 2006, representing a decrease of around 20% from 16,050 tons in 2005. An annual meeting of the signatories in December

2005 will also discuss an additional CEU of 269 tons for 2006. However, the Environmental Investigation Agency claims to have found more methyl bromide rail cars with over 250,000 lbs in storage capacity in Florida as well as hundreds of smaller storage tanks. The report cites data indicating that methyl bromide use in the USA in 2003 was 30.1% of the 1991 baseline level, while CEUs requested for 2006 and 2007 are at 37% and 29% of baseline, respectively.

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#### **Commodities approved for ProFume expanded**

Dow AgroSciences' ProFume gas fumigant (sulfuryl fluoride) was granted a new label approval by the US Environmental Protection Agency on 15 July 2005. This marks the completion of a regulatory package pursued by the firm for the product. Covered in the new label are uses on processed foods, baked goods, pastas, tortillas, spices, herbs, sugars, salts, cocoa beans, and animal feed. The product was initially registered in January 2004 as a substitute for methyl bromide, with tolerances for small grain processed

products, cereals/small grains, tree nuts, and dried fruits.

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### **Rest of the World**

#### **Vietnamese plaintiffs file appeal in Agent Orange lawsuit**

An appeal has been filed by the Vietnam Association for Victims of Agent Orange and about 30 individuals on 30 September 2005 at the US Court of Appeals for the Second Circuit in Brooklyn, NY, after the lawsuit against Dow Chemical, Monsanto, and other companies involved in the manufacture of Agent Orange was dismissed by a federal district court judge in March 2005. The plaintiffs want the manufacturers to be accountable for the use of Agent Orange, which they claim contains large and unnecessary quantities of dioxins that still contaminate soil and food. The manufacturers wanted the case dismissed on the basis of expiration of the statute of limitations, their status as government contractors, and other grounds. The judge ruled in the dismissal that the use of the toxic herbicide did not qualify for chemical warfare and did not violate international law.

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## **FUTURE ARTICLES IN OUTLOOKS ON PEST MANAGEMENT WILL INCLUDE –**

- The problems of crop protection in alternative crops
- Resistance to phosphine
- GM for PCN resistance in potatoes
- The Insecticide Resistance Action Committee
- The Fungicide Resistance Action Committee
- The development of safer pesticide formulations
- Why industry needs IPM/ICM
- Insect mating disruption
- EU implications to forests of sudden oak death
- Sodium azide as a methyl bromide replacement
- The BRIGHT project (Rotational management GMHT rape and beet)
- The evolution of Pest and Plant Protection research in INRA
- Growing organic cotton
- 40 years of the Rothamsted Insect Survey
- Biopesticide registration in the USA