

# DEGESCH America, Inc. Newsletter

## Issue IX

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## EPA Meeting

Members of the phosphine producer/user community met with Federal & State regulators on June 29, 2004 to discuss several issues that have come to light since the implementation of the new labeling. These issues revolve primarily around the requirements for certified applicators and the handling of in-transit railcars.

The meeting was moderated by Dan Barolo, who before his retirement, guided the re-registration process as a consultant to the Phosphine coalition.

Those attending or represented:

Registrants	State Regulators	Federal Regulators	Industry	Miscellaneous
Degesch America, Inc.	California Dept. of Ag	USDA	Cargill	Oklahoma State University
Pestcon Systems, Inc	Colorado Dept. of Ag		EPA	ConAgra
United Phosphorus	Hawaii Dept. of Ag	EPA Enforcement Division	FritoLay	North American Millers Association
	Iowa Dept. of Ag		General Mills	
	Minnesota Dept of Ag		Kraft Foods	IFC
	Wisconsin Dept. of Ag			

Dan Barolo informed the group that there are no incidents regarding the use of product under 6(a)2 reporting requirements and that the registrants are available and responsive to any questions or problems.

Dan also noted that States can make laws and regulations more stringent than the EPA label. If individual states have it written into law, so be it. If not, the Federal label applies.

Everyone seemed to be pleased with the statement on the manual cover – “Consult with your state lead pesticide regulatory agency to determine regulatory status, requirements and restrictions for fumigation use in that state.”

The representative from Colorado questioned the need for a FMP for prairie dog colonies and was advised that FMP’s are required for all fumigations.

Who can receive and open railcars was discussed. Several states indicated that only "Certified Applicators" would be acceptable in their respective states. The group seemed to indicate that the training provided by individual companies for their employees is equal to or better than available state training.

Does an Applicator’s Manual need to accompany each railcar? No, but the receiver needs to have the Applicator’s Manual and label on the other end. If the shipment of cars are split, again you need to know that the receivers have the Applicator’s Manual and label.

The interpretation of "Under the direct supervision" was also discussed.

Monitoring and who can perform monitoring was discussed. Some regulators indicated that monitoring requirements are not a part of their regulations. Others noted that some companies do monitoring above the requirements of state regulation.

USDA also noted that 30,000-40,000 railcars are fumigated each year as well as 3,000-4,000 ships and barges. Aeration is done at port of receipt for ships and barges. USDA developed a FMP years ago and monitoring is part of this procedure.

A question about the number of Applicator Manuals in each case of product was discussed. George Luzaich responded referencing an EPA letter stating that one manual should accompany each case. George also advised those present that this material was available on our website.

EPA's comments can be summed up as follows:

- EPA does not want to open labels (Applicator Manuals) up again for total rewrite.
- EPA is willing to review a Question & Answer (Q&A) document
- EPA, in collaboration with USDA, plans to draft national Fumigation Training Manual

Dan Barolo stated that he felt the Q&A needed to be completed within 1-2 months and that there should be an annual review. The registrants will send a rough draft of the Q&A to EPA for review.

**If you would like to have a specific question included in the Q & A, please submit it to us [here](#).**

# Phostoxin® Label Update

Have you read the Phostoxin® labeling? Did you know it contains some new requirements, like the notice below?

**THIS PRODUCT MUST BE ACCOMPANIED BY AN APPROVED LABEL AND APPLICATOR'S MANUAL. READ AND UNDERSTAND THE ENTIRE LABELING AND APPLICATOR'S MANUAL. ALL PARTS OF THE LABELING AND APPLICATOR'S MANUAL ARE EQUALLY IMPORTANT FOR SAFE AND EFFECTIVE USE OF THESE PRODUCTS. CONSULT WITH YOUR STATE LEAD PESTICIDE REGULATORY AGENCY TO DETERMINE REGULATORY STATUS, REQUIREMENTS AND RESTRICTIONS FOR FUMIGATION USE IN THAT STATE. CALL (540) 234-9281 or 1-800-330-2525 IF YOU HAVE ANY QUESTIONS OR DO NOT UNDERSTAND ANY PART OF THIS LABELING.**

Lets take a few minutes and dissect this statement:

## **This product must be accompanied by an approved Label and Applicator's Manual.**

The first sentence of this statement is pretty self-explanatory, you must have the Applicator's Manual in your possession and the fumigant containers must have Labels. All Degesch America, Inc. products are manufactured and shipped with the appropriate Label and Applicator's Manual. If you require additional copies, they are available for download on our website or may be obtained from your Distributor.

## **Read and understand the entire Labeling and Applicator's Manual.**

Sentence two requires that you read and comprehend the Applicator's Manual and container Label. Simply thumbing through the literature and glancing at items that interest you or reading only the parts that pertain to your specific application are not acceptable. If you have any questions, they must be answered before you proceed.

## **All parts of the Labeling and Applicator's Manual are equally important for safe and effective use of these products**

The next part of this statement emphasizes the importance of the entire Label and Applicator's Manual. You are not allowed to pick and choose which aspects of the Labeling you wish to follow. The entire Label and Applicator's Manual carry the force of law and must be adhered to.

**Consult with your state lead pesticide regulatory agency to determine regulatory status, requirements and restrictions for fumigation use in that State.**

Phostoxin® labeling, and that of all other phosphine products, now requires the Applicator to confirm with their State Regulators that the intended use is not in violation of State rules and regulations. This is an entirely new addition to our labeling and was added at the request of several States. The fact that this section is underlined signifies it's importance to State Regulators. Any State may by rule, regulation or law, create additional requirements for use of any pesticide.

Do you know who the Pesticide Regulatory officials are in your State?

The American Association of Pest Control Officials (AAPCO) maintains a database of State regulatory officials on their website. A complete list of State contacts can be found at [aapco.ceris.purdue.edu](http://aapco.ceris.purdue.edu)

**Call (540) 234-9281 or 1-800-330-2525 if you have any questions or do not understand any part of this labeling.**

Finally, contact information for the manufacturer is given to help resolve any questions the Applicator might have.

**Remember, always read and follow the Label**

## **Methyl Bromide Update**

*The information in this article is taken from a special edition of Great Lakes Chemical Company's "Initiatives" newsletter.*

### **The Montreal Protocol Decides**

**It was a long wait but....**

At almost midnight on the seventeenth day of formal discussion spread over ten months, the 181 nations of the Montreal Protocol (MP) finally decided how much methyl bromide would be granted for critical uses in developed nations in 2005. The final decision applies to all developed nations including Canada, USA, European Community (EC), Japan, New Zealand and Australia. A group of forty methyl bromide stakeholders, participated in the final three days negotiations at the Extraordinary Meeting of the Montreal Protocol.

**Key elements of the deal as it affects the U.S;**

- 19.6Mlbs of critical use exemptions, (CUE's), were granted for 2005, (equivalent to 35% of the '91 baseline)
- With appeals from some consumers pending, the amount could be up to 1.7Mlbs higher.
- A production allowance was set at 30% of the '91 baseline for 2005 (the same amount that was made in 2004)
- The difference between CUE and production allowances, about 2.8Mlbs in 2005, will be filled from existing inventory.
- There will be flexibility in allocation of the CUE amounts among categories.
- The production allowance is in addition to amounts for QPS and export

**Europe also received a significant CUE allowance**

In the European Community, users had applied for CUE's at 25% of the '91 baseline for 2005, and were granted 21%. Farmers in Italy, Portugal and France suffered the reduction primarily due to Europe's centralized decision making process. These farmers will be more directly engaged in the 2006 process. Despite this, the 2005 CUE volume in Europe is much higher than might have been expected, reflecting agriculture's lack of confidence in alternatives

**Developing nations want to delay their phase out too.**

The developing nations began negotiating to delay their own phase out schedule. They are concerned about the failure of developed nations to find alternatives for large quantities of methyl bromide. Guatemala led the discussion by introducing some broad guidelines for developing nations to use when they find that alternatives do not work.

**Good outcome. The CUE allocation rules are the next challenge.**

With the outcome for 2005 known, methyl bromide stakeholders in developed nations must immediately turn their attention to creating an effective program to manage the critical use exemptions. The allocation and record keeping process will be highly complex and is further complicated by the Montreal Protocol's decision to force a reduction in field inventory. Significant effort will be required to make sure the process is fair.

**Balancing industry and the environment**

Methyl bromide users are working hard to minimize emissions, to develop alternatives and to comply with the Montreal Protocol. However, where alternatives are not technically or economically feasible, users need relief from the phase out schedule. The agreement reached last week provides that relief.

- The Montreal Protocol acknowledged that alternatives were not available for many applications and increased by 2.8Mlbs, the amount of methyl bromide that U.S. farmers can use next year (vs 2004)
- The Montreal Protocol did not reduce the amount that can be produced for the US in 2005 even though production was supposed to stop on 1/1/05.
- Significant volumes of methyl bromide were made available in 2005 for the European Community and other developed nations.
- These decisions signal that methyl bromide will be continue to be available beyond 2005 until viable alternatives are available.

As a result, methyl bromide availability in 2005 will be very similar to 2004. This outcome should reinvigorate methyl bromide stakeholders on all sides of the debate. Environmentalists and government will redouble their efforts to achieve a faster phase out. Methyl bromide stakeholders from the use community must continue the fight for fairness and balance between economy and environment.

If you would like more information about this article, or would like to be included in Great Lakes Chemical Company's monthly "Fumigation Fax" distribution, please contact:

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# ProFume®

*The following press release is courtesy of Dow AgroSciences LLC*

## PROFUME® GAS FUMIGANT NOW REGISTERED FOR USE IN 47 STATES

### Stored Product Pest Treatment Option Also Receives Significant International Registrations

**INDIANAPOLIS – June 28, 2004** – ProFume® gas fumigant, a new product developed and manufactured by Dow AgroSciences LLC, has been accepted for registration by 47 states and the District of Columbia. The registrations allow millers and processors in these states to use ProFume for postharvest control of insect and rodent pests infesting cereal grains, dried fruit and tree nuts in mills, processing plants, storage facilities and transportation vehicles. The United States Environmental Protection Agency accepted registration for ProFume on January 26, 2004. Nearly 20 successful commercial fumigations with ProFume have been conducted since registration.

“We’re excited with the rapid steps taken by a number of states to accept registration for ProFume. Many millers and processors are encouraged by this news and the fact that this new fumigant provides reliable broad-spectrum control of stored product pests without risk of depleting the ozone layer,” said Jeff Welker, project success leader, Dow AgroSciences. Welker also noted that the timing is right for ProFume. “Users will be able to switch from methyl bromide to ProFume in time for this year’s fumigation season.”

Significant wheat, grain, corn, rice, fruit and tree nut states accepting registration for ProFume include Arkansas, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Nebraska, Ohio, Pennsylvania, Tennessee and Texas. In addition, ProFume has been accepted for registration internationally. Switzerland was the first to accept registration for the gas fumigant in 2003, followed by Italy in 2004, to name a few. Additional registrations are expected later this year.

ProFume is available to professional fumigators who have successfully completed product stewardship training. Dow AgroSciences account representatives and professionals trained in the proper use of ProFume gas fumigant work together to utilize innovative tools and planning in order to create customized fumigation plans that meet the specific needs of individual fumigation customers.

Dow AgroSciences, based in Indianapolis, Indiana, USA, is a global leader in providing pest management and biotechnology products that improve the quality and quantity of the earth's food supply and contribute to the health and quality of life of the world's growing population. Dow AgroSciences has approximately 5,700 people in more than 50 countries dedicated to its business, and has worldwide sales of US \$3 billion. Dow AgroSciences is a wholly owned indirect subsidiary of The Dow Chemical Company. For more information about Dow AgroSciences, visit [www.dowagro.com](http://www.dowagro.com).

®Trademark of Dow AgroSciences LLC

ProFume is a federally Restricted Use Pesticide.

Always read and follow label directions.

For more information about ProFume® at your facility, please contact  
a [Degesch America, Inc.](#) representative.

[ProFume® Website](#)

[ProFume® Brouchure](#) (1 Mb)

## Conventions and Conferences

### CAF2004

Our friends 'Down Under' send along an invitation to join them this summer for the 2004 edition of the International Conference on Controlled Atmosphere and Fumigation in Stored Products. The Conference meets every four years to discuss relevant topics in the fumigation and controlled atmosphere arena. This years Conference, the 7th, has as its theme: *Sustainable Fumigation and Controlled Atmosphere Alternatives.*

### CAF2004 the International Conference on Controlled Atmosphere and Fumigation in Stored Products

8-13 August 2004  
Gold Coast, Australia

Check out the Conference at <http://www.ccm.com.au/caf2004/objectives/>

# MARK YOU CALENDAR

## **Degesch America, Inc. Recertification School**

The Degesch America, Inc. Recertification School will be held in Charlottesville, VA on April 28, 2005. Held annually, the Degesch America, Inc. Recertification School offers credit hours necessary to maintain licenses and certifications that are recognized by more than 25 States.

April 28, 2005  
The Omni Hotel  
Charlottesville, VA

## **Convention Report**

### **International Association of Operative Millers (IAOM)**

The IAOM held their annual convention and tradeshow on May 15-19, 2004 in Wichita, KS. Several hundred milling professionals and allied trade providers used this event to highlight the latest educational and technological advances in the milling industry. Degesch America, Inc. featured our complete line of insect control products in the tradeshow exhibit area.



**Scenes  
from the  
IAOM  
Exhibition  
Hall**





**Scenes  
from the  
IAOM  
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## People in the News

### Congratulations

It's a Boy! Thomas Meave, Houston Division Manager and his wife, Maria, are the proud parents of their first child. Nathan Thomas Meave weighed in at 8 lbs , 13 oz and was born on April 20, 2004. Maria and Nathan are both doing well.

### Condolences

Albert F. Mueller, father to Dave and John Mueller of Fumigation Service & Supply, passed away April 25, 2004 in Evansville, IN. Al was 87 years old. Our condolences to Dave and John on the loss of their father.

**If you have an event that you would like to see featured or a topic to suggest, send the particulars to [jsmiley@deggeschamerica.com](mailto:jsmiley@deggeschamerica.com)**