

**From:** Richard Carpenter <rbc121440@gmail.com>  
**Sent:** Friday, December 18, 2009 11:11 AM  
**To:** ATR-Agricultural Workshops <agriculturalworkshops@usdoj.gov>  
**Subject:** Comments

---

I am writing because I am concerned about the lack of competition in agricultural markets.

Thank you for giving me the opportunity to comment.

Sincerely,

I sent an earlier comment referencing Monsanto. This one is different but highlights a severe problem with our Government Agencies oversight (or lack of).

So the real question, which I cannot answer is: Why has Obama installed into key positions such as Food Safety Czar, someone who came from Monsanto (a predatory company) and who was instrumental in the promotion and defence of the rBST product. Which by the way was rejected by Canada and Europe.

NEXT - A disturbing and difficult case - What are the trade-offs that our agencies are willing to make? Or when does economics trump our health and safety? The following article highlights one example - Methyl Bromide.

By the way, methyl bromide is a known and powerful carcinogen as well as an ozone depletion chemical.

What is methyl bromide... and why is it banned?

Methyl bromide is a broad spectrum pesticide that is injected into the soil before a crop is planted, which effectively sterilizes the soil, killing the vast majority of soil organisms. A colorless, odorless gas at room temperature, methyl bromide is normally applied as a liquid under pressure that vaporizes upon release at the point of application.

Atmospheric scientists have concluded that use of methyl bromide contributes to the destruction of the ozone layer.

The use of methyl bromide as a preplant soil treatment is therefore banned in all developed countries effective January 1, 2005, through the US Clean Air Act and by the terms of the Montreal Protocol on Substances that Deplete the Ozone Layer, an international agreement signed by 187 nations.

Under the terms of the Montreal Protocol, nations can be granted Critical Use Exemptions if there is not a technically and economically feasible alternative to methyl bromide.

The "US government" has negotiated with the international community for permission to continue using methyl bromide for soil treatment in 2005 at a level greater than levels permitted in 2003 and 2004. The US demand is a source of discontent among most of the 187 nations who are party to the Montreal Protocols.

In the United States, methyl bromide use is mainly on tomatoes, strawberries, tobacco, peppers, grapes, nut and vine crops, golf courses and sod farms.

Note that there are approximately 365 products manufactured and distributed that contain methyl bromide or a derivative. Some of these are cancelled and can no longer be used. Many are still active.

California regulators review use of pesticide on strawberry (2009)

LOS ANGELES, Aug. 3 (Xinhua) -- Facing accusations that they were fast tracking approval of a known carcinogen, California pesticide regulators have resumed a review of the fumigant methyl iodide for use on strawberry fields, it was reported on Monday.

The move came after 27 state legislators urged state officials in a letter sent last Monday to look more closely at the risks of methyl

iodide, a compound listed under a provision of 1986's Proposition 65 as a carcinogen, according to the Los Angeles Times.

A peer review of methyl iodide had been suspended during the state budget crisis, prompting concern from legislators and ...

US: Methyl bromide gets reprieve

The Montreal Protocol bans chemicals that deplete the ozone layer. Of its three exemptions, listed below, the pesticide faces the most debate.

In May, environmentalists cheered a decision by the state to drastically reduce the amount of pollution-causing fumigants used on agricultural crops, including the long-maligned methyl bromide.

"I was hopeful that tide might turn," said Mary Haffner, a Ventura pesticide-control advocate who has been fighting fumigant pollution for years.

But much like every effort in the 15-year fight against methyl bromide, the victory for the environmentalists was short-lived.

Last month, the California Air Resources Board, in conjunction with the California Department of Pesticide Regulation, gave farmers an extra four years to greatly curb pollution from methyl bromide and other fumigants. Now farmers have until 2012 to gradually meet standards mandated in a court order, instead of Jan. 1, 2008.

Silver bullet among farmers

Methyl bromide is blamed for creating smog, which leads to lung diseases, as well as depleting the ozone layer. It was scheduled to be phased out of use by 2005. Instead, it has been given yearly exemptions under the Montreal Protocol, an international treaty designed to ban chemicals that cause ozone-layer depletion. Another exemption is currently under review.

The only other exemptions granted under the Montreal Protocol are for a chemical used to clean O-rings on the space shuttle and another used in asthma inhalers.

Critics claim just about every other industry has found new ways to do the job of chemicals that have been banned by the Montreal Protocol.

"The methyl bromide industry has behaved differently," said David Doniger, the climate policy director with the Natural Resources Defense Council, who has been working on the issue since 1990. "They never have come to accept that you need to get rid of methyl bromide."

Methyl bromide is considered the silver bullet among farmers: a chemical that denudes the soil of pests and disease before planting, greatly increasing the chances of a high yield crop. In Ventura County, where strawberries are a \$386 million-a-year industry and the high price of land demands a high-value crop, it is viewed as essential by many.

The Power of the industries

Though the phase-out under the Montreal Protocol has resulted in about a 75 percent decline in methyl bromide use compared to 1991, it is still relied upon by agriculture and other industries through the exemptions.

Opponents say its continued use shows the power of the industries that depend on it and an unwillingness to change. Farmers say without a viable alternative, their businesses will go under.

"There is this long-standing stereotype that there is this love between farmers and chemicals," said Rex Laird, chief executive officer of the Farm Bureau of Ventura County. "Farmers don't care if it's methyl bromide or what it is; the issue is if they can remain competitive."

Doniger credited the strawberry industry for taking the lead in finding a viable alternative and developing application methods that create less pollution by trapping the fumigant before it gets into the air. The state and federal government has spent millions on a solution, and the California Strawberry Commission has spent \$10 million on research.

The Environmental Protection Agency recently approved use of methyl iodide on crops, which is as controversial, if not more so, than methyl bromide. The California Department of Pesticide Regulation, which is often more stringent than the EPA, still has to approve use of the known carcinogen.

Until then, farmers are likely to continue leaning on methyl bromide.

In 2005, a little more than 1 million pounds were used on crops in Ventura County, slightly less than was used in 1991. Use of the chemical peaked in 1999 at more than 2 million pounds.

Though the use in Ventura County now is about the same as it was in 1991, the amount of acres of strawberries has nearly tripled in that same time.

The per capita use of less methyl bromide demonstrates how farmers are trying to find alternatives, Laird said.

Across the state, 15,000 of the 34,000 acres of strawberries no longer rely on methyl bromide, according to the California Strawberry Commission.

What that means depends on which side of the argument you stand.

Rick Tomlinson, legislative director for the commission, says it shows farmers are weaning themselves from methyl bromide and finding alternatives.

"California has made the transition to more alternatives than any other country in the world," Tomlinson said.

He cites an award by the EPA last year for curbing methyl bromide use on crops across the state.

'This is a scandal'

But the use isn't going away fast enough for some, when about half the state is still reliant on methyl bromide.

"What shocks me is that every year I look at the county use report and it doesn't seem like they are going down," said Linda Uvari, also with Community & Children's Advocates Against Pesticide Poisoning. "In a lot of ways I'm not surprised it's taking so long. Our government doesn't work in quick steps."

"This is a scandal how long this had taken," Doniger said. "At this rate, this is going to go on for another decade." Or at least until a good alternative is found, farmers say. And that could be a long time.

"We have got to have it around because if we don't, we are going to go backwards production-wise," said Cecil Martinez, a strawberry growing consultant who has been working on finding an alternative for years. Nothing produces as high a yield as methyl bromide, he said. "You can't take this away from us."

Move to developing countries

Rob Roy, president of the Ventura County Agricultural Association, said if it were banned here, production would simply move to developing countries, where it isn't scheduled to be phased out until 2015. Farmers here will lose out even though methyl bromide will still be used elsewhere, he said.

"The bottom line is American agriculture continues to rely upon it," he said. So does he think that methyl bromide, which has been on regulatory chopping block for 15 years, is going away any time soon? "I wouldn't hold your breath," he said.

An Alternative

Champon Millennium Chemicals, Inc. manufactures pesticides for use in agriculture, golf courses, turf and ornamentals, , that have superb efficacy against pathogens in soil and as a foliar spray, yet are not harmful to people, animals, and are environmentally friendly.

We specialize in replacing pesticides that are banned or listed to be banned. These include methyl bromide, banned in developed countries worldwide; Namacur; and Endosulfan, among others.

Champon products are marketed and distributed through Agencies and Distributors worldwide. Products are U.S. EPA registered.

Our products are broad spectrum and consist of insecticides, fungicides, and nematicides, with a non-selective herbicide and other

products in development.

Products are 100% natural, non-carcinogenic, do not deplete the ozone, have waivers of tolerance, and meet the requirements of the Food Quality Protection Act of 1996 and the EPA Office of Child Safety Protection.

Commentary

We have the EPA, the FDA, the USDA and we believe we are safe or at least being protected.

The above information which was gleaned from several sources is a single case point that clearly shows us the danger of that belief. For over 15 years the danger of the use of Methyl Bromide has been debated, fought against, and banned. And yet the US continues its use. This should scare the BEDICKENS out of everyone of us. Note that the first attempt to ban the use of Methyl bromide was because of the Ozone Depletion, never mind its health impacts.

Those who fought against this chemical's use performed a great service on our behalf. The greatest scandal now is that we are still debating and using it (California mostly because of their economic (budget) problems).

Exactly who is responsible for the failure to end the chemicals usage once and for all? Ask around, I doubt that you will get a straight answer.

We have just witnessed the power of the corporations and the priorities (read economic tradeoffs) of our Government agencies that permit this travesty to continue. Please make two searches with the following parameters just to get a feel for what we are all up against "Methyl Bromide" "Pesticides Banned".

This should make you nervous and willing to support those who fight on our behalf to protect us, our children and our planet.

Richard Carpenter

, 76092