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MĀNOA

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Subject: ***Spirotetramat: Notice of Cancellation Order***

The following comments are being submitted in response to notice published on the Environmental Protection Agency's Web site in January 2010 regarding *Spirotetramat - Notice of Cancellation Order; Opportunity for Public Comment on Existing Stocks Provision*. These comments are being submitted on behalf of the Western Integrated Pest Management Center and provide input on the disposition of existing stocks of spirotetramat from members of the agriculture community in Hawai'i.

Representatives of Hawai'i's agriculture stakeholders were queried for their opinions about what should be done with existing stocks of spirotetramat, i.e., spirotetramat products which will remain in either the hands of end users or in the inventories of retailers or wholesalers after February 16, 2010.

There was unanimity that growers who possess existing stocks of spirotetramat should be allowed to use their products, according to existing labeling. There was a preference expressed for spirotetramat to be used until existing stocks are depleted. Otherwise, a timeframe should be defined during which growers can use their existing stocks and a procedure can be established to return or dispose of remaining spirotetramat products. Those who expressed an opinion indicated that retailers and wholesalers should be allowed to sell the remaining stock on hand—and that adequate time must then be allowed to use for those products to be used after purchase.

It would very costly to recall these products, nation-wide. The reason the judge vacated the spirotetramat registration was because EPA didn't follow proper procedures, and not because this material is particularly harmful to workers, non-target organisms, or the environment, when this pesticide is applied according to its labeling. Therefore, it does not appear necessary to recall existing stocks of spirotetramat.

However, there are benefits to allowing the remaining stocks of spirotetramat to be used. This systemic insecticide is very important for Hawai'i's growers to effectively control aphids and whitefly on fruiting vegetables, crucifers and leafy vegetables and two newly introduced and potentially very damaging pests, the macadamia felted coccid on macadamia nuts and the tomato yellow leaf curl virus (TYLCV) which is transmitted by the sweetpotato whitefly and the biotype B (or silver-leaf) whitefly. In some cases, there may only be one practical alternative chemical to spirotetramat.

Spirotetramat is an excellent insecticide for vegetable crops for resistance management. It is a very important chemical that is used with other mode of action insecticide classes in a rotation to prevent resistance. Due to Hawai'i's tropical climate, many insects such as aphids and whiteflies are serious, year-round pests for many diversified crop producers. The availability of spirotetramat in Hawai'i will help prevent or retard the development of insect resistance.

If EPA were to issue an order to stop using all existing spirotetramat products as of February 16, 2010, it would be unfair not to compensate—promptly—growers who have spirotetramat products remaining in their possession. Spirotetramat products are expensive. Many of Hawai'i's farms are very small operations. Many of them have extremely limited resources and many are immigrants. Those who selected spirotetramat did so reluctantly because they have few, if any, appropriate options that will enable them to manage their pests and grow marketable products.

There is another practical reason that EPA should expressly allow existing stocks to be used: enforceability of labels. The decision of the court did not identify any violations in the determination of use patterns for which spirotetramat was registered. If EPA specifies that existing stocks of spirotetramat may be used according to existing labeling, use and distribution of spirotetramat will be subject to the provisions determined by its registration process. Violations (including illegal distribution and mis-applications) would be clear and subject to normal sanctions.

It should be noted that growers are not the only end users of spirotetramat. Because of the serious need of some of Hawai'i's ultra-minor crops for pest management tools, the relatively safety of this chemical, and its usefulness for resistance management, research projects have been executed and were planned for spirotetramat. Existing stocks could be used for planned projects to proceed. Unlike pesticides which are cancelled by normal procedures, spirotetramat may be registered in the future. Researchers may, with the full understanding that spirotetramat may never be registered, decide to learn what they can to manage some intractable pest problems and, perhaps, be prepared with needed recommendations in the event that spirotetramat becomes registered.

Hawai'i's agriculture community recognizes that the registration of spirotetramat will be vacated on February 16, 2010, followed by a cancellation order from EPA. However, it is obvious that this legal decision does not mean that spirotetramat products that have been distributed and sold will cease to exist on that date. Growers and vendors did not contribute to the problem with the spirotetramat registration. And there should be a resolution that follows the ruling of the court but does not unduly punish those who purchased and sold the product in good faith.

This information has been provided by extension agents and specialists of the College of Tropical Agriculture and Human Resources, one representative, each, of Hawai'i's macadamia nut industry, and agricultural chemical vendors.

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