

## **SFIREG Issue Paper**

### **Classifying All Methomyl-Containing Pesticides as Restricted Use**

Priority: High

Issue:

The 1998 EPA Reregistration Eligibility Decision for Methomyl classified products with greater than 1% active ingredient labeled for crop uses as restricted use pesticides, whereas methomyl products labeled for non-crop uses (i.e. fly baits) with 1% active ingredient concentrations were classified as general use. There are nine methomyl products registered for use in Michigan in 2012: six crop use products (two Lannate, two M1 Insecticide and 2 Nudrin Insecticide) and three fly bait products (Deosect II, Golden Malrin and Stimukil). The EPA registration numbers for the listed fly bait products are 53871-3-66114, 2724-274, and 53871-3, respectively. The same nine methomyl products were registered in Wisconsin in 2011, except a subregistered version of Stimukil was registered instead of Stimukil. The fly bait products are labeled for use in specific non-residential locations both as a “scatterbait”, where users scatter loose bait on the ground in areas where children and pets will not be present, and in bait stations. Stimukil and corresponding subregistered products are also labeled for a “brush on” use for walls, windowsills, and support beams where flies usually land.

Label use directions are being flagrantly subverted to kill non-target species in illegal settings. Concerns range from human safety (mixtures with soda) to cases where beneficial, harmless species or companion animals are killed. The extent of the misuse is not fully enumerated but known incidents and numerous websites, which include illegal ‘recipes’ and off-label recommendations, illustrate widespread, flagrant misuse and disregard for label use directions. In 2010, the Michigan Department of Agriculture and Rural Development (MDARD) conducted an undercover operation wherein 43 pesticide retailers were inspected, 11 advised an MDARD inspector that Golden Malrin could be used to control vertebrate pests such as skunks, and provided detailed instructions on how to mix/apply the pesticide so that it would be attractive to the animal (i.e. mix it with cola, wet cat food, or tuna fish).

Outreach and education alone is not expected to be effective because it would have to stop the inertia of misuse being promoted by word of mouth, salespersons and the internet, all of which promote the effectiveness of the product. Controlling the availability of the product is the most effective means to prevent violations.

Background:

MDARD has worked with EPA Region 5 and the EPA HQ product manager to gather evidence of recommended misuse and incidents of misuse resulting in

non-target species mortality to determine whether restricting the product could be supported. The above MDARD marketplace surveillance data combined with two national surveys conducted by MDARD provide evidence of nationwide misuse by the public and sale for illegal use by retailers. The two surveys conducted in 2008 and again in 2010 identified 12 of 21 responding states reporting one or more misuses cases. In 2010, MDARD investigated a case where methomyl fly bait was misused to bait a deer carcass for control of wolves, resulting in the death of a bald eagle. In Ohio, a marketplace inspection advertised “Golden Malrin® – Kills Groundhogs, Opossums and Raccoons – One cup fly bait and one can regular coke.”

The Wisconsin Department of Agriculture, Trade and Consumer Protection (WDATCP) also conducted surveys with Wisconsin Department of Natural Resources (WDNR) Conservation Wardens to determine the degree of misuse of 1% methomyl-containing fly bait products, including Golden Malrin®. This information was also provided to EPA Region 5 in 2010 in a continuing effort to raise the Agency’s awareness of this issue. In Wisconsin, as in other states, these products are currently classified as general use pesticides. The information gathered by Wisconsin indicates that flagrant misuse of fly bait to control nuisance wildlife is a common occurrence, and is likely even more common than we know. The information gathered indicates that use of fly bait products for nuisance animal control is a cultural practice that reflects word-of-mouth recommendations, retailer recommendations, and readily-available information through the Internet. Misuse of these products continues to occur in Wisconsin, despite previous outreach efforts conducted by the University of Wisconsin-Madison, regulatory compliance and outreach efforts conducted by WDNR, and regulatory compliance efforts conducted by WDATCP. Golden Malrin®, in particular, has name brand recognition for off-label wildlife control, particularly raccoons, as evidenced in part by Google searches and a statewide survey conducted of all 150 WDNR Conservation Wardens and their supervisors.

#### Recommendations:

**EPA should take immediate action to correct the aforementioned conditions conducive to widespread misuse of non-restricted use methomyl formulations.**

The six states in EPA Region 5 **petition** the Agency to conduct a classification review under 40 CFR 152.164(b) for all methomyl formulations that are not currently classified as a restricted use pesticide to avoid unreasonable adverse effects on the environment. EPA should conduct this classification review as soon as possible to classify all methomyl formulations as restricted use under 40 CFR 152.170(a). EPA should take this action based on the criteria that additional labeling will not mitigate the hazards identified above and it will also decrease the risk of adverse effects. EPA may also consider hazard criteria for non-target species, since the generally accepted misuse practice occurs outdoors, boasting a lethal single dose trademark.

Under 40 CFR 152.170(d), the Agency may also consider evidence such as field studies, use history, accident data, monitoring data, or other pertinent evidence in deciding whether the product or use may pose a serious hazard to man or the environment that can reasonably be mitigated by restricted use classification.

Restricting the use of all formulations of methomyl to use by an applicator certified or licensed by state agencies will support legal use of the pesticide according to label use directions. The same state agencies will gain the ability to identify purchasers/users/applicators and conduct appropriate use inspections to determine if the product is being applied according to label use directions. It will remove general use access to the product at brick and mortar and internet retailers. Those same retailers may obtain a state license to distribute restricted use pesticides for use only by or under the direct supervision of a certified applicator, providing state agencies the ability to regulate the sale of the product.