



Organic Arsenical Products Task

Luxembourg-Pamol, Inc. • Drexel Chemical Company

MEMORANDUM

TO: Friends of MSMA

FROM: Organic Arsenical Products Task Force

SUBJECT: MSMA Turf Applications are Extended by EPA

DATE: October 1, 2012

On behalf of the Organic Arsenical Products Task Force (OAPTF) we are pleased to share with you the attached letter from Rick Keigwin, Director of the United States Environmental Protection Agency (EPA) Pesticide Reevaluation Division. The letter affirms that the use of MSMA for turf applications -- golf courses, sod farms and highway rights of way -- **will be extended well beyond the proposed phase out date.** OAPTF anticipates those turf applications will be extended for at least three years, and likely longer. We appreciate that many in our user community have been expressing support of our products directly with EPA, and we know this has been helpful in obtaining EPA's agreement to extend these uses well beyond 2013.

As you may know, the Task Force executed an agreement with EPA Office of Pesticide Programs (OPP) in January 2009 for uses of MSMA. At that time, MSMA use on cotton was re-registered, and sale for the turf uses noted above was extended to the end of 2012, with use of stocks permitted to the end of 2013. A significant component of the 2009 agreement was the commitment by EPA OPP to review new scientific data on *inorganic*¹ arsenic during the first half of 2012 and to have that review conducted by one or more of the EPA peer review bodies. Following that review, OPP would decide whether MSMA could be re-registered unconditionally also for the turf uses. Recent developments, unrelated to MSMA, caused an extension of this timetable.

¹ Please note: This is about *inorganic* arsenic, not the organic form of the compound because EPA contends that MSMA, the organic form, can transform in soil to the more toxic inorganic form.

Recently, Congress, concerned by the low quality of the risk assessment of *inorganic* arsenic that was developed by EPA's Office of Research and Development, mandated, in the 2012 Appropriations bill, an extensive review of that risk assessment by the National Academy of Sciences (NAS). In response to the legislative directive, EPA has withdrawn the report that caused the concern, and executed a contract with the NAS to conduct a new review. The contract states that the work is expected to take 41 months.

Recognizing the significance of the NAS review, OPP has elected to defer to the NAS review process and to use that process to satisfy the terms of the 2009 Agreement with the Task Force to review new scientific information. The Task Force believes this is a prudent course of action. Furthermore, had OPP been concerned with the use of MSMA, they would not agree to continue it for years.

The Task Force fully expects the NAS review to result in a less stringent risk value for human exposure to *inorganic* arsenic. Should that be the case, we are confident that we will be able to obtain unconditional re-registration for the above referenced turf uses of MSMA, and, hopefully, to restore other uses of this important herbicidal product.

For now, MSMA applications labeled for use on golf courses, sod farms and highway rights of way will be extended for 3-4 years until the scientific review is completed.

If you have any questions or need further information, please contact Charlie Grizzle at 202-263-7418 or grizzle@grizzleco.com.

Thanks for your continued support!

Attachment