

Dow AgroSciences, Makhteshim-Agan and Cheminova Petition EPA to Consider Ag Stakeholder Input on Endangered Species Restrictions

WASHINGTON (Jan. 20, 2010) – Dow AgroSciences and two other crop protection product manufacturers – Makhteshim-Agan of North America and Cheminova – have filed a petition calling on EPA to adopt transparent procedures allowing public notice and comment on Endangered Species Act decisions. The petition asks EPA to notify the public and solicit stakeholder input instead of seeking to amend pesticide labels unilaterally. If EPA were to put its current approach into effect, users would be directed by the amended labels to follow new, local restrictions on pest control products in bulletins that the Agency is preparing to post on the Internet.

The petition is prompted by the essentially ad hoc process that EPA is currently using to impose label amendments and county-specific restrictions related to salmon in key agricultural and timber production areas of Washington, Oregon, Idaho and California. While EPA's immediate actions concern only chlorpyrifos, diazinon and malathion, the process now being used by the Agency will set a precedent for establishing similar restrictions on hundreds of products in the Western U.S. over the next few years. It will also likely set a precedent for future EPA restrictions addressing hundreds of threatened and endangered species across the U.S.

"This process is being driven to meet schedules imposed by litigation brought by pesticide opponents," said John Fitt, Dow AgroSciences North America Regulatory and Government Affairs Leader, "And we believe that these bulletins are currently being prepared without adequate input from affected growers and other agricultural stakeholders in affected states."

"All indications are that the first round of bulletins, addressing salmon, would impose no-use buffer zones along ditches, drains, canals and irrigation furrows miles from any actual salmon habitat," said Ephi Gur, Makhteshim-Agan North America Vice President - Regulatory and Scientific affairs. "This would effectively prohibit use of products that growers rely on for pest control – and also for critical Integrated Pest Management programs – on more than 112 million acres in the Western U.S., including some of America's most valuable and productive farm and forest land."

"We believe these restrictions are also being advanced," Fitt added, "without without due consideration of the economic consequences of these actions and on a schedule that would not allow growers time to develop alternate Integrated Pest Management strategies, assuming that alternate strategies could be devised."

The petition calls on EPA to provide manufacturers with timely notice of proposed amendments to the county bulletins and to solicit input from manufacturers and agricultural stakeholders on the intended changes before they take effect. It also calls on EPA to use standard regulatory procedures under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) in addressing disputes about the content of these bulletins and to provide specific guidance on how these procedures will be applied.

“Congress has expressly directed that when EPA plans on imposing new labeling restrictions under the Endangered Species Act, the Agency is ‘to minimize the impacts to persons engaged in agricultural food and fiber commodity production and other affected pesticide users and applicators,’” Fitt said. “This directive clearly requires an objective process for soliciting and evaluating input from affected stakeholders, such as growers and regulators in affected states. This petition calls on EPA to establish equitable procedures and restore proper balance so that all affected parties have an opportunity to be heard in the development of these restrictions.”

For further information on issues relating to salmon and the Endangered Species Act, link here <http://www.chlorpyrifos.com/news/>

About Dow AgroSciences

Dow AgroSciences LLC, based in Indianapolis, Indiana, USA, is a top-tier agricultural company that combines the power of science and technology with the "Human Element" to constantly improve what is essential to human progress. Dow AgroSciences provides innovative technologies for crop protection, pest and vegetation management, seeds, traits, and agricultural biotechnology to serve the world's growing population. Global sales for Dow AgroSciences, a wholly owned subsidiary of The Dow Chemical Company, are \$4.5 billion. Learn more at www.dowagro.com.

About Makhteshim-Agan of North America

MANA is a North American subsidiary of Makhteshim Agan Industries, Ltd. (MAI) Israel, the global leader in the manufacturing and distribution of crop protection products. With 2008 sales over US\$ 2.5 billion, MAI ranks seventh in global agrochemical companies. For more information, visit www.manainc.com.

About Cheminova

Cheminova, Inc., headquartered in Research Triangle Park, North Carolina, is the United States subsidiary of Cheminova A/S, a global leader in the production, development and sale of fine chemicals. Cheminova A/S is located in Lemvig, Denmark. Cheminova, whose focus and expertise is in the area of plant protection products, is one of the world's largest producers of organophosphate insecticides. The U.S. insecticide offerings include malathion, chlorpyrifos, dimethoate, methyl parathion and imidacloprid. Supported by its extensive corporate resources, Cheminova, Inc. is dedicated to bringing high quality chemical products to the U.S. market at significant value to its customers. For more information on Cheminova A/S, visit www.cheminova.com.

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