

Turfgrass Advocacy

2009



New York State Turfgrass Association • March 11, 2009

Background

In the early 1990s, mismanagement of the pesticide product registration program in the Department of Environmental Conservation had created a backlog of applications for registration of pesticide products. In some cases product registrations were held in departmental offices for as long as two years before any action was taken on them. New York is one of only two states that conducts a second review of pesticide products after they are approved for use by the United States Environmental Protection Agency; this registration must be renewed every two years. Without an approved NY registration, these products cannot be sold or used within the state. The pesticide industry developed a system of specific time lines for each part of DEC's review of pesticide product registration applications, and agreed to pay an increased registration fee (from \$40 or \$20/registration to \$300/registration) that would be used to pay for additional staff in the Bureau of Pesticides to meet the new time lines. This system and the increased fee were passed into law by the legislature in 1992 with an initial four-year sunset, which has been extended for successive three-year periods since 1996. The product registration fee was increased to \$310 in 2002.

NYSTA Perspective

Turfgrass producers, lawn care companies, golf courses and horticultural industries use pesticides as one tool in growing and maintaining athletic fields, lawns, golf courses and horticultural products. If plant protectants are not available, these industries are placed at a disadvantage. The pesticide industry is constantly developing products with new modes of action that provide chemical controls that are more targeted and more effective. If the newer, better chemistry products are not available because the product applications have not been reviewed and approved by DEC, companies that use pesticide products and the public that uses the fields, lawns and golf courses maintained with them have been done a disservice. The 1992 system defining specific time frames for the expedited review and approval of applications submitted to the Bureau of Pesticides has proven at this time to be unsuccessful in minimizing delays in DEC action on pesticide product registrations.

Case in point: Acelepryn (*chlorantraniliprole*)

Acelepryn is a new category of turf insecticide that was fast tracked through the EPA and received Federal registration in April of 2008. The insecticide has excellent activity against beetles (grubs and weevils), caterpillars (cutworms and sod webworms), cranefly larvae and good control of chinch bugs. Of significance is that the Acelepryn label states, "no Signal word is required for this product". For example "Warning" or "Caution" are not required on the label. The active ingredient has an oral LD50 > 5000 mg/kg which places it in Category IV of EPA with a definition of practically non-toxic. Additionally, Acelepryn has extremely low toxicity against birds and fish, and is practically non-toxic to honey bees. Acelepryn can be used in all 48 contiguous states except New York.

In New York, Acelepryn is caught in the registration process. According to the registration decision time line the application for registration was received May 28, 2008 and was determined complete on July 29, 2008. A registration decision was due in 150 days (December 2008). The New York State Department of Environmental Conservation could not complete their analysis so the manufacturer, Dupont, submitted a deadline waiver. It is unclear if and when registration will occur.

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Meridian is a Syngenta product that is under review. The application was received February 11, 2008 and deemed complete on July 23, 2008. A registration decision was due in 150 days (December 2008). No registration due date is available.

Recommendations

Request continued legislative oversight of the pesticide registration program to address delays that prevent the use of pesticide products, including new formulations with improved modes of action, less potential for pesticide resistance, better efficacy and environmental compatibility with the goals of integrated pest management (IPM) programs.

New York State should recognize and accept the registration decisions of the United States Environmental Protection Agency.