



April 25, 2011

Office of Pesticide Programs (OPP)  
Regulatory Public Docket (7502P)  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460-0001

**RE: Docket ID #EPA-HQ-OPP-2010-0541: *Petition to Suspend and Cancel All Registration for the Soil Fumigant Iodomethane (Methyl Iodide); Notice of Availability, 76 Fed. Reg. 16770 (March 25, 2011)***

Dear Sir:

The National Alliance of Forest Owners, the National Association of State Foresters, the Forest Landowners Association, the National Woodland Owners Association, and the American Forest & Paper Association submit these comments in response to the petition filed by Earthjustice on behalf of various groups to suspend and cancel all registrations for the soil fumigant iodomethane (methyl iodide). *Petition to Suspend and Cancel All Registration for the Soil Fumigant Iodomethane (Methyl Iodide); Notice of Availability, 76 Fed. Reg. 16770 (March 25, 2011)*. Our combined organizations represent over 80 million forest acres in the United States, as well as companies that depend upon the forest resource to produce jobs and essential products for America. See Appendix for more information on each organization.

The nation's nurseries produce on the order of 1.7 billion forest tree seedlings annually in 1998, the most recent year data is available. These seedlings are planted by private (and public) owners of forest land for reforestation or afforestation. America's private landowners supply over 90% of the wood fiber used to make wood and paper products, as well as a substantial proportion of renewable energy. As importantly, they provide environmental services in the form of clean water, wildlife habitat, clean air, offsets to carbon emissions and numerous other environmental amenities for which they are rarely compensated. Without a ready and economic supply of nursery seedlings, landowners are likely to regenerate fewer harvested lands. Subsequent forest growth would be a fraction of its potential growth as will the corresponding contribution regenerated forests make to clean water, clean air and wildlife habitat. With the economic value of their forested lands weakened by increased costs for, or unavailability

of, seedlings, forest landowners will be forced to consider other uses for their property to obtain an economic return.

The seedlings used for forest regeneration are grown in nurseries around the country. One thing in common among these nurseries is the use of soil fumigants to control weed seeds, soilborne fungi, nematodes, and insects. Methyl bromide is the primary fumigant. No effective alternative has been developed, although methyl bromide is now combined with other fumigants in varying percentages depending on the target pests. Thus, methyl bromide is a critical factor in the quantity and quality of seedlings available to forest landowners.

The nations of the world agreed to the phase-out of ozone depleting substance, including methyl bromide, in the Montreal Protocol. However, they recognized in Article 2H(5) an exception to the methyl bromide phase-out “to the extent that the parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical uses.” The parties to the treaty further explained their intent in the report of the Ninth Meeting of the Parties by explaining that a “critical use” exists if, among other things, the “lack of availability of methyl bromide for that use would result in a significant market disruption.” Factors to be considered are whether “[t]here are no technically and economically feasible alternatives or substitutes available to the user” that would be acceptable from an environmental and health standpoint and whether “[a]ll technically and economically feasible steps have been taken to minimize the critical use.”

The availability of methyl bromide for critical uses such as forest regeneration does not appear it will last forever. The amount of methyl bromide produced and imported allocated for pre-plant uses under the critical use exemption process in Round 6 (2010) is 25% of the amount allocated for Round 1 (2005). And, while efforts to develop “technically and economically feasible alternatives or substitutes” have been vigorous, none has yet appeared. Methyl iodide has shown the most promise. It is thus disingenuous at best for Earthjustice to proclaim in its petition: “Nothing in this petition should be construed to countenance any delay on the existing legally-mandated phase-out of methyl bromide.”

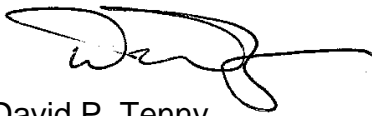
The Earthjustice petition does not provide any new data on the potential risks of methyl iodide use. EPA conducted a thorough and extensive risk assessment before approving the registration of methyl iodide. The EPA risk assessment included comprehensive reviews of toxicity and exposure potential. In short, Earthjustice has offered no new evidence upon which to base a reassessment or change in registration status.

As the comments submitted by the National Council for Air and Stream Improvement (NCASI) ably demonstrate, a copy of which we have attached, there is no evidence that methyl iodide, when used according to label directions and following EPA’s new risk mitigation measures for soil fumigants, poses any unacceptable risk to humans or the environment. While methyl iodide may not ultimately prove to be a

“technically and economically feasible alternative” for methyl bromide, the possibility will be foreclosed completely if use is discontinued.

We therefore urge EPA to reject this petition. Thank you for the opportunity to submit our views.

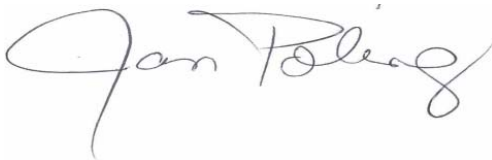
Respectfully Submitted,



David P. Tenny  
President and CEO  
National Alliance of Forest Owners



Scott Jones  
Chief Executive Office  
Forest Landowners Association



Jan Poling  
Vice President, General Counsel &  
Corporate Secretary  
American Forest & Paper Association



Keith Argow, PhD, CF  
President  
National Woodland Owners Association



Jeff Jahnke  
NASF President and CO State Forester  
National Association of State Foresters