

Petition Filed in D.C. Appellate Court Seeking Review of EPA's Conditional Registration of Aldicarb for Use on Oranges and Grapefruit in Florida

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On March 3, 2021, the Farmworker Association of Florida, Environmental Working Group, and Center for Biological Diversity [petitioned](#) the U.S. Court of Appeals for the District of Columbia Circuit for review of the U.S. Environmental Protection Agency's (EPA) order registering the use of the pesticide aldicarb on oranges and grapefruit in Florida as set forth in:

- EPA's January 12, 2021, ["Registration Decision for the Uses on Oranges and Grapefruit in Florida, Aldicarb"](#);
- Amendments to the aldicarb product labels for MEYMIK TECHNICAL (EPA Reg. No. 87895-2) and AGLOGIC 15GG (EPA Reg. No. 87895-4); and
- Registration of a new product, AgLogic 15GG-OG (EPA Reg. No. 87895-7).

EPA published a Federal Register notice on December 7, 2020, announcing that it had received applications to register new uses for pesticide products containing aldicarb, a currently registered active ingredient. [85 Fed. Reg. 78851](#). The proposed use was on oranges and grapefruit in Florida and Texas. EPA's January 12, 2021, Registration Decision states that during the application review, the registrant amended its request and the use was limited by amount of product that can be sold and distributed (i.e., 2,500,000 pounds product) for use during an application season (November 15 to April 30), limited to oranges and grapefruit in Florida, only, and will expire after the third application season (**April 30, 2023**). The Registration Decision states that EPA "is conditionally approving the uses on oranges and grapefruit to the products MEYMIK TECHNICAL (EPA Reg. No. 87895-2), AGLOGIC 15GG (EPA Reg. No. 87895-4) and AGLOGIC 15GG OG (EPA Reg. No. 87895-7)." According to the Registration Decision, "[t]hese conditional, time-limited registrations will allow for a narrow use of aldicarb on oranges and grapefruit in Florida to help in the control of certain insects, mites, and nematodes, including [Asian citrus psyllid (ACP)]." EPA notes that in conditionally approving these new uses for the existing products under Section 3(c)(7)(B) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it determined that there are insufficient data to

register these uses unconditionally.

Commentary

EPA's justification for allowing these uses centers on the need for products to control, or at least slow down the spread of, citrus-greening disease (spread by the ACP-vectored bacterial disease Huanglongbing (HLB)). The registration rationale notes that growers have seen up to an 80 percent reduction in production value due to the disease. This registration appears to be a time-limited registration in order to have another pest control tool while further research continues to attempt to find a more permanent solution to controlling the disease. EPA's rationale describes past registrations of aldicarb that have provided extensive data and reviews of the required health and ecological assessments to meet the FIFRA standards. A time-limited registration also makes EPA's assessment "easier" insofar as there is no presumption of long-term chronic exposure to the pesticide beyond the time-limited period. The tolerances for aldicarb had continued to remain in place to allow for use on imported food after earlier reviews determined the tolerance levels met the relevant standards (including risks to children). These additional uses on domestic crops was determined not to change the analytical basis of the tolerance assessment (example: the amount of orange juice consumed does not change if a domestic or foreign supplier is the source).

At the same time, aldicarb has been a controversial pesticide for much of its history. As a carbamate insecticide, its mode of action is cholinesterase inhibition, which has raised issues about possible long-term neurological or other developmental effects from carbamate or organophosphate pesticides. And, as a potent insecticide, some would say there will likely be impacts on pollinators even if label directions are followed. Lastly, arguments over possible risks to farmworkers, assessed to be acceptable in the registration decision, may prove to be an early test of the stated commitment to review more closely decisions with possible environmental justice implications under the new Biden Administration.

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