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January 9, 2006

Mr. Brian Amme
PEIS/PER Project Manager

EMC0338

Nevada State Office
1340 Financial Boulevard
P.O. Box 12000
Reno, Nevada 89520-0006

Dear Mr. Amme,

1 Thank you for the opportunity to comment on the draft Bureau of Land Management (BLM) PEIS. We appreciate that it takes a great deal of time and effort to put together a document of this nature. The BLM has a large responsibility for the land management of over millions of acres. This document is evidence that you take this responsibility seriously.

2 This letter will address some general comments that we have about the document and then listed below are several comments about specific details within the PEIS and about the herbicide active ingredients that Dow AgroSciences, LLC manufactures and sells, namely clopyralid, triclopyr, picloram and tebuthiuron.

Comments on the Alternatives listed:

3 We support the use of Alternative B: Expand Herbicide Use and Allow for Use of Herbicides in 17 Western States as the Preferred Alternative. The use of herbicides is one part of a successful Integrated Pest Management program. They can be used in combination with many other techniques to control or manage noxious and invasive plants and can be especially important in an eradication program for new invasive plants recently discovered in a new area. While all of the alternatives have advantages and disadvantages, the bulk of the scientific data in the field of invasive plant control and management show that the use of herbicides is an important part of managing land resources for invasive plant control and habitat restoration.

4 It is important to note the exclusion of risks associate with non-chemical alternatives mentioned. There is no mention of the risks to workers using mechanical, fire or other methods to control invasive plants particularly in Alternative C: No Use of Herbicides. This



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ignores the dangers to workers using these methods such as the inhalation of vehicle exhaust or smoke from prescribed fires, risks associated with fire escape, physical injuries from over-exertion or injuries as a resulting from operation of heavy equipment. | In Alternative D: No

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Aerial Applications, it should be noted that aerial applications of herbicides are often the method of control that offers the least disturbance of the area. Mechanical methods, as is mentioned in the PEIS, will often disturb the ground cover which opens the area to new infestations, and actually facilitates the spread of invasive plants into new habitats. | Also in

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this alternative it is mentioned that the most sensitive factor for aerial applications is the potential for spray drift. This assumes that the application will be made with a liquid spray solution; however, there are granular formulations of some herbicides, such as tebuthiuron (Spike 20P™), which generally eliminates or greatly reduces drift onto non-target areas.

Comments on the use of herbicides around Threatened and Endangered species:

Herbicides can benefit threatened and endangered (T&E) species by controlling noxious and invasive weeds that otherwise adversely alter habitats making them less suitable for T&E organisms. There are herbicides that are selective and will control noxious or invasive plants without harming T&E species. Generalizations that herbicides should not be used around T&E species ignores the potential value of herbicides to help restore T&E habitats. An additional important aspect is that the spread of invasive plants is a greater threat to some T&E species than the use of a selective herbicides. For example, use of herbicides that control sensitive invasive broadleaf species could be used around T&E grass species. Both Dr. Rod Lym, North Dakota State University, and Dr. Joe DiTomaso, University of California, have conducted field research that support this beneficial effect of herbicides in improving or preserving T&E habitat quality. Additionally, some measure of unintentional damage to T&E species should be articulated where non-herbicidal approaches are taken. Mechanical removal of invasive plants will likely disturb habitats and possibly physically damage T&E species.

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Comments on general information on clopyralid, picloram, and tebuthiuron:

We understand that for efficiency and expediency it was useful to use information from previous assessments for herbicides already approved. However, it appears that the risk assessments were completed by different methods, different entities (SERA for the USDA Forest Service assessments and ENSR for the BLM), at different times, and using different maximum use rates. It is not reasonable to compare results using these two approaches unless the data and methodologies are comparable for BLM use sites. For example if a maximum use rate of 10 lb a.i./A triclopyr were used this would far exceed the maximum use rate of 2 lb a.i./A on grazed lands (except for IPT treatments - see discussion below under the triclopyr section). Rates of triclopyr and picloram are higher for brush control than for herbaceous weed control most often used on rangeland.

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These comparisons are not reasonable in some cases, for example comparing buffer distances for drift of imazapic (Table 4-12 Buffer Distances to Minimize Vegetation from Off-site Drift of BLM Evaluated Herbicides) and clopyralid (Table 4-14 Buffer Distances to Minimize Vegetation from Off-site Drift of Forest Service Evaluated Herbicides) it is apparent that different criteria were used as a basis for these comparisons. The potential for drift is mostly a factor of application equipment including nozzle size, pressure, volume applied per acre and weather conditions at the time of application. How can there be a difference between the typical application rates of 900 ft for these two compounds (0 ft for imazapic and 900 ft for clopyralid) for sensitive plants? If applied correctly there should be no difference at all between the risks. It is the applicator that makes sure the application targets the site with no or a minimal amount of drift.

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Comments about clopyralid:

Page 4-54 indicates that a “maximum use rate” of clopyralid used in the analysis was 1 lb ai/A. There are no uses on the current labels over 0.5 lb ae/A. Even though 0.5 lb a.i./A is the maximum amount allowed by the label most applicators use 0.375 lb a.i./A as the maximum amount needed to control many of the target weed species. Further the “typical use rate” of clopyralid is 0.25 lb a.i./A not the 0.375 lb a.i./A used in the calculations. Therefore, any restrictions (buffers, etc) on the use of clopyralid on BLM land should be re-calculated with the maximum amount per acre rate of 0.375 lb a.i. and a typical rate of 0.25 lb a.i./A. If this is not done then at the least the calculations should be re-done using the maximum label rate of 0.5 lb a.i./A.

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Comments about triclopyr:

In Chapter 4, on page 4-59 it is noted that a typical application rate of triclopyr would be 1 lb ai/a and that a maximum use rate of 10 lb a.i./A was used in some of the modeling. First, the maximum label use rate of either the triclopyr ester or amine labels is 8 lb a.i./A. Therefore any calculations using a rate of 10 lb a.i./A should be re-calculated to be in line with the labels. Second, we wish to make clear the maximum use rate for broadcast use of triclopyr on rangeland sites. The US EPA Reregistration Eligibility Decision (RED, October 1998) set the maximum use rate at 1 lb/A; however that was quickly changed to 2 lb ae/A in the attached communication from US EPA to Dow AgroSciences. The 2 lb ae/A rate, required that the tolerances in forage grass be raised from 500 ppm to 700 ppm. Data were gathered and submitted to accomplish this change and to support this new use rate, and was published in the Federal Register in 2004. The RED documents are never updated, but the regulation of the molecule continues to evolve over time. Documentation of these changes are attached.

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An error was found on the Garlon 4 label where a limitation of 1.5 lb a.i./A was allowed on rangeland. This has been removed from the label since the maximum for broadcast use on rangeland is 2 lb a.i./A as noted above. The new label will allow for individual plant



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applications such as basal or cut surface treatments to be used on any use site listed on the label at a maximum use rate of 8 lb/A. These types of applications are made directly to ungrazed parts of plants and, therefore, are not restricted by the grazing maximum rate of 2 lb a.i./A but rather are limited only by the maximum label rate of 8 lb a.i./A

Comments about tebuthiuron:

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In the risk characterization it appears that tebuthiuron is generally assumed to be applied as a liquid spray, yet the formulation most commonly applied to rangeland is a granular pellet, Spike 20P™. The use of a pellet dramatically affects the risk assessment regarding drift and off-site effects to non-target organisms. Drift would be minimal with Spike 20P, and pellets would not pose any risk to pollinating insects since the pellets fall onto the soil allowing for little deposition on foliage. The LD₅₀ on honeybees is > 100ug/bee, which is in the least toxic EPA category for insect toxicity. Therefore, it is incorrect to assume low to moderate risk for pollinating insects from tebuthiuron.

Comments about risks to large herbivores and livestock:

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In various places throughout the PEIS, a concern is expressed regarding large herbivores and livestock grazing herbicide treated forage. There appears to be a general misunderstanding on exposure to large herbivores, including livestock, due to the presence of grazing or haying restrictions on the labels. Grazing and haying restrictions are in place to regulate pesticide residues in meat and milk tissue, they are NOT a function of the herbicide's toxicity to the grazing animal. Any grazing restriction is to ensure residue levels in meat tissue are within the tolerances established by US EPA. Therefore it is erroneous to imply a danger to livestock or large herbivores from grazing treated forage (within the label allowances for range and pasture applications) for triclopyr, picloram, tebuthiuron or other herbicides approved for use on grazed areas.

Comments about the Proposed review of new herbicides, Appendix D:

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The process outlined for approval of a new herbicide or for a new use of a herbicide is lengthy. A more rapid response to use of new pesticides may actually assist with eradication efforts if an invasive plant is found in a new area. Waiting 2 to 3 years for use of a herbicide, that has received approval for registration by the US EPA, would appear to be inconsistent with the mandate set forth in the 1999 Executive Order 13112 issued by the President of the United States to prevent the introduction of invasive species and provide for their control and to minimize the economic, ecological, and human health impacts that invasive species cause. As you are aware, the executive order required the formation of an Invasive Species Council comprised of a number of federal agencies, including BLM, which was tasked to complete a *National Invasive Species Management Plan*. On page 6 of the Plan the Council is tasked to lead, “. . . development, testing, transfer, and training concerning use of environmentally compatible pesticides and herbicides in controlling invasive species.” On page 36 “The

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Council will review and propose revisions of policies and procedures (i.e., advance approval for quarantine actions, pesticide applications, and other specific control techniques, and interagency agreements that address jurisdictional and budget issues)..” New pesticides provide opportunities for a rapid response to new infestations of invasive plants when they are relatively small in size. Failure to use US EPA approved pesticides early in the invasion cycle will likely lead to use of larger amounts of pesticide to control the invasive plants once their population has expanded because of the lack of intervention early in the invasive process. Rapid response is effective in eradicating invasive plants before they spread. We encourage the BLM to consider a way to respond more rapidly to the use of new EPA registered herbicides.

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Thank you for consideration of our response to the USDI BLM PEIS. Please let us know if you have any questions or comments about our response.

Sincerely,

Vanelle Carrithers

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