



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

GARY MCDOWELL
DIRECTOR

Administrative Order Classifying Methomyl as a Restricted Use Pesticide

This action is being taken under authority granted to the Director of the Michigan Department of Agriculture and Rural Development (MDARD) by the Natural Resources and Environmental Protection Act, Part 83 Pesticide Control, Public Act 451 of 1994, Section 8322(2)(a), (MCL 324.8322(2)(a)), as amended, which states:

In addition to any other authority provided by this part, the director, by administrative order, may classify a pesticide as a restricted use pesticide in accordance with any 1 of the restrictive criteria in 40 C.F.R. 152.170.

MDARD is charged under Part 83 with many functions, including oversight on the registration and licensing of pesticides and those who apply them in order to protect the public health and environment.

BACKGROUND ON METHOMYL

Methomyl is a carbamate insecticide first registered for use in the United States in 1968. Because of its high acute toxicity, the US Environmental Protection Agency (EPA) classifies all methomyl products as restricted use pesticides, except for fly bait products containing 1% or less methomyl, which are classified as general use. Restricted use pesticides are those pesticides that, because of their toxicity or other safety reasons, are classified by the EPA or the director as so potentially hazardous that they may only be sold or applied by those with specialized training.

The following methomyl products are currently registered with MDARD:

- Dupont Lannate SP Insecticide (EPA Reg. No. 352-342)
- Dupont Lannate LV Insecticide (EPA Reg. No. 352-384)
- M1 LV Insecticide (EPA Reg. No. 352-384-85588)
- M1 SP Insecticide (EPA Reg. No. 352-342-85588)
- Annihilate LV (EPA Reg. No. 400-597),
- Annihilate LV (EPA Reg. No. 400-597)
- Corrida 90 WSP (EPA Reg. No. 82557-3)
- Nudrin LV (EPA Reg. No. 83100-27-83979)
- Nudrin SP (EPA Reg. No. 83100-28-83979)
- Starbar Golden Malrin Fly Bait (EPA Reg. No. 2724-274).

Starbar Golden Malrin Fly Bait (EPA Reg. No. 2724-274), is the only methomyl product currently registered by MDARD that is not already classified as restricted use.

HISTORY OF MISUSE

Because general use pesticides such as Starbar Golden Malrin Fly Bait may be purchased and used by the general public, there is no mechanism in place to identify who purchases these chemicals. As such, MDARD is often unable to solve cases or take enforcement action against individuals who misuse methomyl fly baits.

In 2010, a bald eagle in the Upper Peninsula was poisoned to death after feeding on a deer carcass that was treated with methomyl fly bait. MDARD's investigation was not able to positively identify the person that misused the fly bait. Investigators suspect the treated deer carcass was intended to kill wolves.

In 2010, MDARD conducted an undercover investigation at more than 40 agricultural pesticide retailers. MDARD found more than 25% of the stores recommended the misuse of methomyl fly bait to control nuisance animals such as opossums and raccoons.

In 2015, after being presented with evidence of widespread misuse of methomyl-based fly baits, EPA required packaging and labeling changes to methomyl fly bait products. The changes were intended to reduce the misuse of the products against wildlife and domestic animals. Despite the packaging and label updates required by EPA in 2015, MDARD continued to receive complaints and find evidence of widespread misuse of methomyl fly bait products.

In 2016, the Michigan Department of Natural Resources (MDNR) lab confirmed an opossum from Ingham County was poisoned to death by a mixture of methomyl fly bait and soda. MDARD investigated the matter but was unable to positively identify the source of the methomyl.

In 2017, a dog in Alcona County was poisoned to death after consuming methomyl fly bait. MDARD investigated the matter but was unable to positively identify the source of the methomyl. Investigators strongly suspect the dog owner's husband accidentally killed the dog while using methomyl fly bait to control raccoons.

In 2017, MDNR took enforcement action against a farmer that misused methomyl fly bait to poison raccoons.

In 2018, a large food distribution company misused methomyl fly bait and soda to control raccoons in their warehouse. An MDARD investigation identified methomyl residue application on food packages/containers destined for human consumption, resulting in a seizure and destruction of those products.

In 2020, a dog in Alpena County was poisoned to death by methomyl. MDARD investigated the matter but was unable to positively identify the source of the methomyl. Investigators believe the dog consumed methomyl fly bait a neighbor was illegally using to control raccoons.

In 2021, a dog in Monroe County was poisoned to death by methomyl fly bait. Both MDARD and the County Sheriff investigated the matter but were unable to positively identify the source of the methomyl. Investigators strongly believe a neighbor purposely poisoned the dog with methomyl fly bait.

CONCLUSION and ORDER

Restricted use pesticides may only be purchased by certified pesticide applicators and may only be sold by individuals holding a restricted use pesticide dealer license. Additionally, all sales of restricted use pesticides are reported to MDARD.

Classifying all formulations of methomyl pesticides as restricted use will:

- Maintain the availability of the chemical for those who wish to properly use it
- Protect human and animal health and the environment by ensuring only those individuals knowledgeable about proper pesticide use can purchase the chemical
- Help MDARD more effectively investigate misuse of methomyl fly bait products

Per MCL 324.8322(3), I issued a preliminary order that was available for public comment for 30 days. Between December 14, 2021, and January 14, 2022, MDARD accepted comments from the public relevant to the reclassification of all formulations of methomyl. MDARD received one comment in support of reclassification and no opposing comments.

There are several effective alternative fly bait products that are less toxic to non-target species and are not classified as restricted use.

Based on this information, I have determined the following:

1. The toxicity of methomyl exceeds one or more specific hazard criteria and poses a serious risk that may be mitigated by restricting its use.
2. Specifically, under conditions of widespread and commonly recognized practice, methomyl may cause discernible adverse effects on non-target organisms, such as significant mortality, resulting from direct or indirect exposure to methomyl.
3. The evidence MDARD has collected related to the use of methomyl, accidents associated with methomyl, and investigations involving wildlife and domestic animal deaths as a result of the use of methomyl indicates that methomyl may pose a serious hazard to man or the environment and that those hazards can reasonably be mitigated by restricted use classification.
4. Methomyl's labeling is not adequate to mitigate the hazards posed by its improper use.
5. Restricting the use of methomyl will decrease its adverse effects.
6. The decrease in the risks posed by Methomyl as a result of the restriction would exceed the decrease in benefits as a result of its restriction.
7. Additional labeling language would not be adequate to mitigate the identified hazards without restricted use classification because Widespread and commonly recognized practices of Methomyl use would nullify or detract from label directions and unreasonable adverse effects on the environment might still occur.

Therefore, by the authority granted in MCL 324.8322(2)(a) and in accordance with 40 CFR 152.170, I find that methomyl meets the provisions of 40 CFR 152.170(a), (c)(1)(iv), and (d), and that additional labeling provisions described in (e) would be ineffective.

For these reasons, pursuant to my authority in MCL 323.8322(2)(a), I hereby order all pesticides containing the active ingredient methomyl be classified as restricted use in the state of Michigan.

The effective date of this order is February 14, 2022.

A handwritten signature in blue ink that reads "Gary McDowell". The signature is written in a cursive style.

By:

Gary McDowell, Director
Michigan Department of Agriculture and Rural Development

Date: February 14, 2022