
From: NANCY ODEN [mailto:cleaneearth@myfairpoint.net]
Sent: Monday, March 15, 2010 12:48 PM
To: Jennings, Henry
Subject: for Board - ban on Movento et al

Henry - Please let me know when this will be on the Pesticide Control Board's agenda. Thanks - Nancy Oden

Mar 13, 2010, Pittsburgh Tribune-Review

Judges uphold ban on Bayer pesticide

A federal appeals court refused to delay a ban on the sale of a pesticide that some environmental groups claim is killing honeybees.

The decision prevents Bayer CropScience, from selling its pesticide, Spirotetramat, while the company appeals a lower court ruling that halted sales.

"Bayer has demonstrated neither that it will suffer irreparable injury absent a stay, nor that it has a substantial possibility of success on the merits of its appeal," U.S. District Judge Kimba Wood and U.S. Circuit Judge Joseph McLaughlin said in the ruling this week.

The U.S. Environmental Protection Agency is considering what to do with existing stock of Spirotetramat, known by the trade names Movento and Ultor, said spokesman Dale Kemery.

Sales of the pesticide remain legal in Europe, Canada and Mexico, according to Bayer CropScience, which is based in North Carolina. Bayer's North American headquarters is in Robinson.

The decision was handed down three years after scientists identified Colony Collapse Disorder, a mysterious breakdown of bee immune systems that each winter roughly halved the number of bee colonies the nation's large, commercial beekeepers own.

The cause of the breakdown largely has eluded researchers.

In December, Manhattan U.S. District Court Judge Denise Cote banned the sale of Spirotetramat on grounds the EPA skipped steps required in any pesticide approval process, including not taking public comment. Cote's decision did not explicitly address the impact the pesticide might have on honeybees.

"Bayer has been touting this as a greener pesticide. It is designed to stop insect reproduction, and it seems to do the same thing to bees," said Aaron Colangelo, an attorney for the New York-based Natural Resources Defense Council, which, along with the Portland, Ore.-based wildlife conservation group Xerces Society, sued the EPA.

Jack Boyne, an entomologist for Bayer CropScience, said the company is confident the EPA will reapprove Spirotetramat's registration.

"It is unprecedented for a lower court to vacate an approval. We believe the decision was not correct. We have been injured improperly and believe that science is on our side," he said. "As the manufacturer, we are not allowed to sell our inventory of product to our distributors."

The EPA approved Spirotetramat in 2008 for use on hundreds of crops, including apples, pears, peaches, oranges, tomatoes, grapes, strawberries, almonds and spinach. Bayer CropScience developed the pesticide after scientists identified Colony Collapse Disorder in late 2006.

"This is one of the safest insecticides for bees," Boyne said.

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According to the Department of Agriculture, bees pollinate \$15 billion worth of crops in the United States. An estimated 29 percent of all U.S. honeybee colonies died last winter, about 11 percentage points higher than what beekeepers consider normal, but lower than losses during the previous two winters. Colony Collapse Disorder is linked to viruses, mites, poor bee treatment and poor nutrition, said Dennis van Engelsdorp, a honeybee expert and researcher at the Pennsylvania Department of Agriculture. Yet the cause of the die-off remains elusive. "Will we ever have one cause for cancer? That's what this is like," van Engelsdorp said.

Dave Hackenberg of Lewisburg in Union County is Pennsylvania's largest commercial beekeeper. Because of his concerns about the effect of pesticides on his bees, for the first time in 42 years, Hackenberg will not take his bees to Florida to pollinate oranges.

"I am not going to put my bees in orange groves. The chemicals they are using are doing something that is breaking down bees' immune systems," he said.

see also Bee devastation: Campaign for total ban of neonicotinoid pesticides: www.cbgnetwork.org/3035.html

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