

**Summary of Testimony of Russ Costanza on the “Agricultural Sector Relief Act of 2012”
July 18, 2012**

- I am the owner of Russell Costanza Farms in Sodus, Michigan. Our farm grows about 500 acres of peppers, eggplant, squash, and cucumbers. The inability to use methyl bromide and the lack of any truly viable alternatives, is threatening our family and our remaining workers’ livelihood.
- Methyl bromide has allowed us to treat our fields and cultivate abundant and high quality, high demand produce. This year, however, we were not granted any critical use exemptions (CUEs) for methyl bromide. Without any CUEs, the only way to use methyl bromide is to purchase dwindling stocks of the chemical that were produced prior to 2005. Such stocks are not readily available and are cost prohibitive. Between the scarcity and high cost, it is impossible to compete with inexpensive, quality produce from other countries whose growers are able to legally use methyl bromide.
- While we have a limited supply of methyl bromide available for eggplant, we cannot use methyl bromide for our other crops. Due to the lost quality and yields associated with these crops, we have experienced decreased profits for our remaining workers and our farm.
- Our farm has spent a great deal of money and effort seeking viable alternatives to methyl bromide. Research conducted on our farm with Michigan State University found that without methyl bromide, growers can expect yield losses of 70% or more. It also concluded that other fumigants are not suitable for use in cool spring soils and do not allow growers in Michigan to participate in the early vegetable markets that are the most profitable.
- I support the provisions of “Agricultural Sector Relief Act of 2012” that would extend the CUE process beyond 2013. This provision is very important and helpful to growers that currently hold CUEs. Sadly, my operation would not benefit from such a provision because we have not been granted CUEs for this year or next.
- The Environmental Protection Agency and the U.S. Department of State should pursue expanded CUEs for growers whose allocations were reduced due to the availability of iodomethane or other alternatives that are no longer options and consider new CUE requests for growers who may be facing new or re-emergent pest pressures.
- I strongly support the legislation’s provisions related to the emergency use of methyl bromide under certain circumstances. The law must allow for flexibility when a planned affordable alternative is no longer an option or another unanticipated event occurs. We are facing an emergency situation on our farm and need relief.
- While I understand that EPA is the lead organization in making CUE recommendations to the Parties to the Montreal Protocol, I appreciate that the legislation includes consultation with the U.S. Department of Agriculture (USDA). Because of its close working relationship with growers, USDA and extension agents are best equipped to determine when an emergency situation exists. The Department’s role in this process is critical.
- Please pass the “Agricultural Sector Review Act of 2012.”

Testimony of Russ Costanza
Before the
House Energy and Commerce Subcommittee on Energy and Power
on the
“Agricultural Sector Relief Act of 2012”
July 18, 2012

Thank you very much Chairman Whitfield, Ranking Member Rush, and members of the subcommittee for the opportunity to testify before you today. I would also like to thank full committee Chairman Upton and Ranking Member Waxman for this opportunity.

My name is Russ Costanza. I grew up on our family farm. I am the owner of Russell Costanza Farms in Sodus, Michigan. My wife and I established our farm in 1976 with 10 acres. Today we've grown that farm with our two kids and their families to over 500 acres of peppers, eggplant, squash, tomatoes and cucumbers. Our farm is labor intensive. Over the years we have grown from my wife and I doing all the work to over 125 farm workers. Sadly, the inability to use methyl bromide and the lack of any truly viable alternatives, is threatening our family and our remaining workers' livelihood.

Methyl bromide is a fumigant that controls insects, nematodes, pathogens, and weeds. We use the fumigant on our farm to treat the soil prior to planting. Fumigation with methyl bromide allows us to grow a higher quality crop with increased yields and provides more one-time effective pest control than any other alternative product.

Methyl bromide is subject to phaseout under an international treaty, the Montreal Protocol on Substances that Deplete the Ozone Layer and the federal Clean Air Act. All production and imports of methyl bromide were banned in the U.S. as of January 1, 2005, except for the following limited uses: 1) “critical” uses subject to annual exemptions granted by the Parties and U.S. EPA; 2) quarantine and pre-shipment uses; and 3) “emergency” uses.

Methyl bromide has allowed us to treat our fields and cultivate abundant and high quality, high demand produce. This year, however, we were not granted any critical use exemptions (CUEs) for methyl bromide. Without any CUEs, the only way to use methyl bromide is to purchase dwindling stocks of the chemical that were produced prior to 2005. Such stocks are not readily available and are cost prohibitive. I currently have enough methyl bromide to last through one, or perhaps two growing seasons for eggplant only; but after that, I do not know how I will be able to continue to produce adequate crops. I used to be able to purchase methyl bromide for about \$1 per pound. Today, the cost averages \$9 per pound. It costs over \$800 per acre to use methyl bromide. Between the scarcity and high cost, it is impossible to compete with inexpensive, quality produce from other countries whose growers are able to legally use methyl bromide. Further, the quality of our produce will deteriorate due to the lack of methyl bromide use, further eroding our ability to compete with foreign growers in our own markets.

While we have a limited supply of methyl bromide available for eggplant, we cannot use methyl bromide for our other crops. Due to the lost quality and yields associated with these crops, we have experienced decreased profits for our remaining workers and our farm. Our dwindling profits also mean a loss of tax revenue to the local, state and federal governments. My family, our workers, and I pride ourselves on providing high quality and affordable food to U.S.

consumers and to making a meaningful contribution to our country's economy. Unfortunately, our ability to do so is vanishing due to the lack of methyl bromide or an effective, affordable alternative.

Our farm has spent a great deal of money and effort seeking viable alternatives to methyl bromide. In 2005, staff from the EPA Chicago office was invited to take a tour of our farm. They came and observed our operation, how we worked and how methyl bromide was used. We demonstrated how methyl bromide increased the yield of our eggplant and pepper crops.

The increased yields and the lack of effective alternatives were documented through research on our farm conducted with Michigan State University on all methyl bromide alternatives. We donated the land, manpower and other resources to research the efficacy of alternatives on eggplant. Sadly, we did not find any affordable, usable replacement. Due to the weather in Michigan; we have a very narrow window of time before planting in which we can apply a fumigant. We cannot wait an additional two to three weeks to re-enter the field prior to planting, as was required by iodomethane and some other alternatives, or we would lose our market window. Further, iodomethane is no longer being sold in the United States. For my Michigan operation, methyl bromide is truly the only treatment option available. According to the study:

- Without methyl bromide, growers can expect yield losses of 70% or more.
- Other fumigants are not suitable for use in cool spring soils and do not allow growers in Michigan to participate in the early vegetable markets that are the most profitable.
- Methyl bromide reduces the amount of soil microbes that infect vegetable roots and fruits and cause root rot, wilting, and plant death.
- These damaging microbes include *Verticillium*, *Fusarium*, and *Phytophthora*. Eggplant, melons, peppers, and tomatoes are most susceptible to these damaging soil microbes.

- Two of these microbes do not respond to any fungicide. The third microbe has developed resistance to the most effective fungicide that is available.
- The soil microbes that harm vegetable crops do not naturally decrease to a safe level even when growers use long crop rotations.
- Harsh winters do not kill these vegetable pests.
- Currently, soil tests that can alert growers to the presence of damaging soil microbes prior to planting do not exist.
- Vegetables that are adequately resistant to the damaging soil microbes have not been developed. Only vegetables that are susceptible to these soil microbes are available to growers.

Our circumstances are dire, which is why I am very appreciative of Chairman Whitfield, Chairman Upton and members of the subcommittee for your leadership in drafting methyl bromide legislation and in holding this hearing. I support the provisions of “Agricultural Sector Relief Act of 2012” that would extend the CUE process beyond 2013. This provision is very important and helpful to growers that currently hold CUEs. Sadly, my operation would not benefit from such a provision because we have not been granted CUEs for this year or next. I hope that moving forward, EPA and the U.S. Department of State will pursue expanded CUEs for growers whose allocations were reduced due to the availability of iodomethane or other alternatives that are no longer options and consider new CUE requests for growers who may be facing new or re-emergent pest pressures.

I and other Michigan growers are facing an emergency situation on our farms and for that reason, I am grateful that the legislation includes provisions related to the emergency use of methyl bromide under certain circumstances. The law must allow for flexibility when a planned affordable alternative is no longer an option or another unanticipated event occurs. While I understand that EPA is the lead organization in making CUE recommendations to the Parties to the Montreal Protocol, I appreciate that the legislation includes consultation with the U.S. Department of Agriculture (USDA). Because of its close working relationship with growers,

USDA and extension agents are best equipped to determine when an emergency situation exists. The Department's role in this process is critical.

I cannot overstate the importance of access to methyl bromide for my farm operation and my fellow Michigan growers. We are facing a crisis and need relief. I am hopeful that Congress will pass the "Agricultural Sector Review Act of 2012" and that EPA and USDA will quickly implement a process to allow for limited emergency exemptions when circumstances merit.

Thank you very much for your leadership in addressing this critical issue for myself and other Michigan growers.