

**Congress of the United States**  
**House of Representatives**  
**Washington, D.C. 20515**

July 6, 2012

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson:

Pursuant to Rules X and XI of the Rules of the U.S. House of Representatives, the Committee on Energy and Commerce and the Committee on Agriculture seek information regarding the Environmental Protection Agency's current plans for ensuring the continued availability of sufficient quantities of methyl bromide for critical agricultural uses. For decades, methyl bromide was widely used in American agricultural applications including cultivation of tomatoes, strawberries, peppers, flowers, ornamentals, tree and vine crops, and for post-harvest pest control in mills, food storage and processing facilities, and it continues to be critically needed by our agricultural sector.

Under the Montreal Protocol on Substances That Deplete the Ozone Layer (Montreal Protocol), and Title VI of the Clean Air Act, use of methyl bromide in the U.S. was phased out as of January 1, 2005, apart from allowable exemptions. The Montreal Protocol expressly allows for the continued use of methyl bromide for critical uses, and since 2005 the United States has submitted Critical Use Nominations each year on behalf of America's agricultural and food sector. Since 2005, however, U.S. nominations have been dramatically decreasing, and the U.S. nomination for 2013 represented a 93 percent reduction below the first approved exemption for 2005. As part of this process, EPA has been rejecting or significantly reducing critical use exemption requests based on the agency's view that there are viable methyl bromide alternatives available, such as methyl iodide and sulfuryl fluoride.

The continued availability of sufficient quantities of methyl bromide for critical uses, and the availability and effectiveness of certain methyl bromide alternatives, are currently significant concerns for the American agricultural sector. Most recently, the registrant of the methyl bromide alternative known as methyl iodide suspended its product sales in the U.S. In addition, EPA has proposed withdrawing the sulfuryl fluoride tolerances which would essentially phase it

out even though numerous industries now rely on sulfur dioxide and it is the primary alternative to post-harvest uses of methyl bromide. In particular, it is used for fumigation of food handling and processing facilities and food warehouses to control stored product pests in cereal grains (e.g., wheat, corn, and rice, and the mills that process these grains), tree nuts (e.g., walnuts, almonds), dried fruits (e.g., raisins, dried plums), dried legumes (e.g., garbanzo beans, black-eyed peas), cocoa beans and coffee beans.

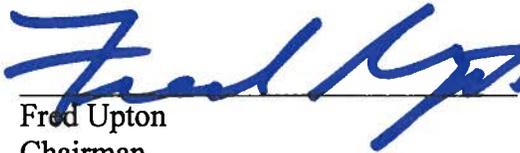
We are concerned that shortages of methyl bromide and viable methyl bromide alternatives will have a potentially devastating impact on growers in California, Florida, the southeastern United States, and other parts of the country, who have been attempting to transition to alternatives to methyl bromide. If this issue is not addressed, it will result in the offshoring of significant crop production to other countries, resulting in economic and job losses in the United States. Accordingly, we seek your responses to the following requests for information:

1. What actions are currently being taken by EPA to ensure that there will be sufficient quantities of methyl bromide available to the U.S. agricultural sector for critical uses in 2013?
2. What actions are currently being taken by EPA to ensure that there will be sufficient quantities of methyl bromide available to the U.S. agricultural sector for critical uses in 2014?
3. What are EPA's plans with regard to seeking critical use exemptions for the U.S. agricultural sector for 2015 and beyond? Will EPA continue to seek critical use exemptions for the use of methyl bromide for the U.S. agricultural sector for critical uses?
4. What assurances can EPA provide that going forward it will increase its critical use nominations under the Montreal Protocol process if methyl bromide alternatives become unavailable, as has occurred with methyl iodide and has been proposed for sulfur dioxide?
5. What assurances can EPA provide that going forward requests for critical use exemptions needed by the U.S. agricultural sector will be vigorously pursued by the United States pursuant to the Montreal Protocol process?

Agricultural fumigants continue to be essential for the cultivation, processing and storage of many crops. There appears to be a foreseeable need for methyl bromide well beyond 2014, and we expect that EPA, working with other Federal agency partners, will take the necessary steps to assure a reasonable and objective evaluation of critical use exemption applications, advancing and protecting U.S. interests before the Montreal Protocol advisory committees and with the Parties to the Montreal Protocol.

Please provide your written responses to the above requests not later than July 16, 2012. Thank you for your attention to this matter. Should you have any questions, please contact Mary Neumayr of the Majority Committee staff at (202) 225-2927.

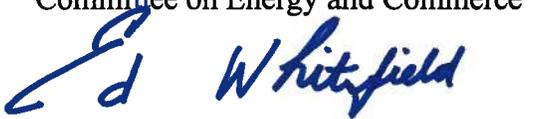
Sincerely,



Fred Upton  
Chairman  
Committee on Energy and Commerce



Frank Lucas  
Chairman  
Committee on Agriculture



Ed Whitfield  
Chairman  
Subcommittee on Energy and Power



Brian Bilbray  
Member  
Committee on Energy and Commerce

- cc: The Honorable Henry A. Waxman, Ranking Member  
Committee on Energy and Commerce
- The Honorable Bobby L. Rush, Ranking Member  
Subcommittee on Energy and Power
- The Honorable Collin Peterson, Ranking Member  
Committee on Agriculture