

Kansas Insect Newsletter

For Agribusinesses, Applicators, Consultants and Extension Personnel



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January 12, 2010 No. 32

FMC Agricultural Products

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December 28, 2009

Dear Furadan® Customer:

On May 18, 2009 FMC issued a letter notifying Furadan customers that the EPA announced its final decision to revoke all crop tolerances for carbofuran effective December 31, 2009. The purpose of this memo is to provide you with an update on the tolerance revocation and FMC's Furadan return policy.

FMC formally filed objections to the EPA's tolerance revocation decision on June 30, 2009 and requested an expedited hearing before an EPA Administrative Law Judge to resolve our scientific differences with EPA, and firmly establish carbofuran's safety to humans once and for all. However, on November 18, 2009, EPA denied FMC's request for an administrative hearing. FMC immediately challenged EPA's decision in the US Federal Appeals Court and asked the Court to temporarily postpone the tolerance revocations. On December 14, 2009, FMC received a favorable Court ruling that will expedite the Court's determination of FMC's right to an administrative hearing on EPA's revocation of tolerances. The Court did not grant the request to temporarily postpone the tolerance revocations. As a result, the tolerance revocations as of December 31, 2009, will remain in effect.

If the Court makes a final ruling in FMC's favor that EPA must hold an administrative hearing, the hearing would likely begin in late spring or early summer 2010. A final ruling from the EPA administrative hearing would be expected later in 2010.

FMC is committed to properly steward our products and regrets that EPA's decision to revoke tolerances on a legally registered product has created confusion and uncertainty for our customers. At this time, while the revocation is in effect, we cannot recommend the use of Furadan and are taking steps to facilitate the return of unused product inventories.

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Effective January 1, 2010, FMC will begin accepting returns of Furadan product inventory. Please contact your Furadan distributor or retailer to obtain specific instructions for product return.

We ask that you distribute this communication to others who may be interested in the Furadan situation. Please acknowledge our appreciation of your continued patience and support.

We will continue to communicate the progress of the legal challenges to this ruling as well as the potential ramifications as they become known. As always, we will keep you posted of any new developments and we appreciate your role in helping to produce better food for a growing world.

Should you have additional questions, please contact your FMC Account Representative.

Rick Kesler
Business Services Manager
FMC Corporation

Sincerely,

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