



11327 Gravois Road  
Suite 201  
St. Louis, Missouri 63126

June 18, 2007

Stephen L. Johnson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Mail Code 1101A  
Washington, DC 20460

Re: Request to Reconsider Container Rule Change and Cost-Out the Impact of ACRC Failure

Dear Administrator Johnson:

It has come to the attention of The Pesticide Stewardship Alliance (TPSA) that the EPA decided to release FIFRA 19 (h) aka "Container Rule" as an advance notice of proposed rules last week. This decision couldn't come at a worse time for the pesticide stewardship sector, Ag Container Recycling Council (ACRC), and the thousands of farmers and agri-chemical dealers who want to do the right thing and triple rinse containers for recycling.

The purpose of this letter is to draw EPA's attention to one simple premise: **This important stewardship service will not survive a protracted delay in Container Rule implementation.** The backbone of container recycling in America is the ACRC. If it is further undermined or diminished in anyway by the lack of federal action on mandatory recycling or the continuing loss of ACRC member companies, the ACRC and its entire infrastructure will fade away. What facts support this contention?

- No state or registrant has successfully deployed a pesticide container recycling system in the absence of ACRC support. Only states with active ACRC programs are recycling. The ACRC has collected nearly 90 million pounds of plastic since 1992.
- Owing to the fragile condition of state budgets, there is virtually no chance that state lead agencies (SLAs) would step forward to sponsor plastic container recycling programs, especially where no authority and funds currently exists.

- Even though ASABE/ANSI adopted a container recycling standard in 2006, it should be believed that more than a handful of registrants might actually create their own pesticide container recycling programs if the ACRC should fail. Historical observations clearly support the belief that most registrants see container recycling as an extra cost and non-essential service to the agricultural sector. The fact should not be lost that the ACRC was created in large measure because of the possible intervention of the federal government in the early 1990s or individual state programs or deposit schemes, which would be very cumbersome and expensive.

Since 2005, registrants, SLAs, and the agricultural sector have been awaiting final federal action on mandatory container recycling. Until last week, all signals given by the EPA working with CropLife America and RISE had been positive on the development and early implementation of mandatory container recycling. Last week's action sent a clear signal that the federal government no longer sees container recycling as a valuable service to the agricultural sector and environment. Registrants included to take a short term view on last week's decision now have a "green light" to withdraw from the ACRC...and that, as mentioned above, will lead to ACRC failure.

TPSA believes that the real costs of ACRC failure were not considered by the EPA and that no decision on this matter can be final until the real impacts of a failed national system are considered. **The ACRC will not survive the next two years without mandatory container recycling.** Hence to fairly assess a delay in the proposed rule through last week's action, immediate consideration must be given to a failed national system where containers will no longer be collected at the local level, states will be unable to intervene, few registrants will begin their own recycling programs, container burning will increase, and, in general, America will return to an era that will look far more like the 1980s and the 1970s. Farmers and agri-chemical dealers will be left to their own devices to solve stewardship problems that once had an easy answer.

America has a system that works...it is called the ACRC. Before pulling the plug on it by putting the Container Rule on a "slow track", **we hereby request that the EPA immediately consider the real costs and consequences of a failed national system.** We are convinced that a full and accurate analysis will reveal that the ACRC offers clear and unmistakable benefits to agriculture and the environment.

Steve, because of the urgency of this matter, we are seeking a teleconference call with you or someone on your staff over the next ten days. We will contact your office late during the week of June 18th to ascertain what kind of teleconference meeting can be arranged. Perhaps a meeting with all major players can be accommodated at the same time. We greatly appreciate your attention to this matter.

Sincerely,

Carol Ramsay  
President, TPSA  
Washington State University  
Phone: 509-335-9222

Don Bradley  
Board Chair, TPSA  
Murray Equipment, Inc.  
Phone: 800-348-4753