

1.0 Introduction

1.1 Purpose of the Supplemental Environmental Impact Statement

It is the purpose of the Supplemental Environmental Impact Statement (SEIS) to objectively evaluate the scientifically documented evidence regarding all aspects of the use of Renovate for the control of nuisance aquatic weeds in waters of the State of New York. This document is intended to present a general description of the potential positive and negative impacts from the use of this product within waters of the State of New York. The SEIS is being submitted to the New York State Department of Environmental Conservation (NYSDEC) by ENSR Corporation (ENSR) on behalf of SePRO Corporation (SePRO), the distributor of Renovate® 3 and its granular formulation Renovate® OTF. [Note: OTF is an alternate brand name of Renovate® Granular marketed by SePRO Corporation]. The rights of the trademarked product Renovate® 3 and OTF were purchased by SePRO Corporation of Carmel, Indiana from Dow AgroSciences, LLC of Indianapolis, Indiana.

The Supplemental Environmental Impact Statement (SEIS) has been prepared by SePRO specifically for the evaluation of potential use of Renovate® 3 and Renovate® OTF (these two products are collectively termed "Renovate®") in New York State and is applicable only to that trademarked product formulation. The information and technical data contained in this SEIS pertaining to the active ingredient, triclopyr triethylamine salt (TEA), is provided to allow full evaluation of the Renovate products, support selection of appropriate application setback distances and comparisons to other aquatic herbicides, or alternative treatment options. The impact evaluation contained herein is not intended nor should it be used as a surrogate SEIS for other triclopyr-containing products. While sharing a common active ingredient, these products may differ widely in other formulaic components, resulting in physical and chemical properties that may significantly affect exposure and toxicity factors, thus invalidating the application and setback conditions contained in the Renovate® 3 NYSDEC-approved Supplemental 24(c) label (and the pending Renovate® OTF Supplemental 24(c) label). Accordingly, NYSDEC should be contacted regarding establishing environmental safe conditions for application of alternative triclopyr-containing products in riparian and aquatic settings.

1.2 Objective of the SEIS

The development of the SEIS for Renovate® is intended to provide potential users of this product with a general understanding of the various results that might be associated with the use of Renovate in the waters of the State of New York. Renovate® is an aquatic herbicide containing the active ingredient triclopyr triethylamine salt (TEA). By developing the SEIS, SePRO has provided the information necessary for individual potential applicators to easily develop the necessary permit applications. However, the approach taken through the development of the SEIS is not intended to prevent any applicant from preparing a site specific supplement to the Final Programmatic Environmental Impact Statement on Aquatic Vegetation Control (NYSDEC, 1981a) in the development of a permit for the use of Renovate® in surface waters of New York State. The preparation of this SEIS is intended to provide potential users and interested parties with information specific for Renovate® and its positive and negative impacts on surface water resources of New York State. In addition, Supplemental Labeling (i.e., FIFRA Section Chapter 24(c) Special Local Need Registration) has been developed for use of Renovate® 3 in New York and is presented in Appendix E.

1.3 Regulatory Framework

The SEIS was prepared in accordance with 6 NYCRR Part 617, the New York State Environmental Quality Review Act (SEQR). The purpose of SEQR is to incorporate the consideration of environmental factors into the existing planning, review and decision-making processes of State, regional and local government agencies at the earliest possible time. An action is subject to review by the NYSDEC under SEQR if any state or local agency has the authority to issue a permit or other type of approval over that action.

Section 617.15 (a)(4) allows for the development of a SEIS to assess the potential environmental effects of an entire program or plan having wide application. The regulations concerning the use of pesticides in NYS are defined in 6 NYCRR Part 325 through 327. The regulations addressing the use of pesticides in wetlands are defined in 6 NYCRR Part 663 and within the Adirondack Park, 9 NYCRR Part 578.

This registration represents a major change in labeling for the active ingredient triclopyr triethylamine salt (TEA). Currently, the Dow AgroSciences LLC triclopyr product Garlon® 3A (USEPA registration number 62719-37) is registered for use in New York to control woody plants and broadleaf weeds in selected terrestrial areas (i.e., rights-of-way, industrial sites, non-cropland areas, non-irrigation ditch banks, forests and wildlife openings). The United States Environmental Protection Agency (USEPA) approved label for Garlon® 3A (dated December 3, 2002) also included directions for aquatic applications to control emerged, submersed, and floating aquatic plants.

SePRO and Dow AgroSciences have entered into an agreement to allow the former to distribute the aquatic use portion of the Garlon® 3A label as Renovate® 3. SePRO applied to the Pesticide Product Registration Section of the NYSDEC Bureau of Pesticides Management (all aquatic herbicides are considered pesticides) for registration of Renovate® 3 as a new pesticide production and it was accepted for registration on July 19, 2006). In addition, revised Chapter 24(c) supplemental labeling for Renovate® 3 was approved by NYSDEC on October 23, 2006. The USEPA approved labels and Material Safety Data Sheets (MSDS) for Renovate® 3 and Renovate Granular/OTF are presented in Appendix A. The most current NYSDEC-accepted 24(c) Supplemental Labeling is provided in Appendix E.

1.4 Identification and Jurisdiction of the Involved and Interested Agencies

The following agencies were identified as involved agencies for the development of this SEIS:

- New York State Department of Environmental Conservation (NYSDEC) - Responsible for implementation of the laws and regulations pertaining to the management of environmental resources for the State of New York.
- New York State Department of Health (NYSDOH) - Responsible for potential public health issues associated with the use of the products.
- New York State Office of General Services (NYSOGS) - Responsible for the management of property owned by the State of New York. As pertaining to this project, they are responsible for the management of the lakes and/or lake bottoms owned by the State of New York.
- Adirondack Park Agency (APA) - responsible for implementation of the Adirondack Park Land Use and Development Plan (as described by the Adirondack Park Agency Act).
- New York State Department of State (NYSDOS) - Responsible for the administration of the Coastal Zone Program.

By agreement of the involved agencies, NYSDEC was designated as the lead agency for the SEIS.

1.5 Content and Organization of the SEIS Document

An initial scoping meeting for purposes of identifying the necessary components of the SEIS for Renovate® 3 was held at the offices of the NYSDEC in Albany, NY on April 26, 2005. Present at the meeting were representatives of NYSDEC (Betty Ann Hughes, Anthony Lamanno, Samuel Jackling, Scott Kishbaugh, Timothy Sinott), SePRO (Steve Cockreham), and their consultant ENSR (David Mitchell).

At this meeting, the registration and SEQR process were reviewed and discussed. A proposed outline of the SEIS was reviewed, discussed, and commented on by the agencies with regard to its content and completeness. This SEIS outline was revised and submitted to NYSDEC in early May 2005. This outline was

approved by NYSDEC and other agencies in June 2005 (e-mail from A. Lamanno, dated June 9, 2005). During a second meeting with NYSDEC held in December 2006 to discuss their comments on the draft SEIS, it was proposed and NYSDEC accepted that information on the granular formulation, Renovate® OTF, could be included in the SEIS.

The SEIS document is organized in the following fashion;

- Section 1.0 **Introduction** – provides general overview of the product registration and SEQR process and associated regulations;
- Section 2.0 **Description of the Proposed Action – Use of Renovate®** - provides information on the aquatic herbicide, the general locale of its proposed application, its use in support of maintaining designated uses, and intended macrophyte target species;
- Section 3.0 **Environmental Setting** – places the application of Renovate® in the context of the New York lake environment. The general characteristics of New York lakes are described, along with the macrophyte communities – their ecology and functional roles. The overall objectives of aquatic macrophyte management control by Renovate® are identified;
- Section 4.0 **General Description of Renovate® and its Active Ingredient Triclopyr** – provides a full description of Renovate® and its chemical formulations. This description includes proposed use, mode of action, application factors, solubility, surfactant properties, fate and transport properties and residues;
- Section 5.0 **Significant Environmental Impacts Associated with Renovate®** - this section reviews direct and indirect impacts to non-target species, potential bioaccumulation and residence time in water column, and the potential for recolonization of macrophytes following application;
- Section 6.0 **Potential Public Health Impacts of Renovate®** - evaluates the potential for concerns or issues associated with human exposure to the product;
- Section 7.0 **Alternatives to Renovate®** - describes and briefly reviews the advantages and disadvantages of alternative aquatic macrophyte control methods and technologies including physical, chemical and biological-based alternatives. The use of a combination of these techniques (Integrated Plant Management) or none (no-action alternative) are described. An alternatives analysis is also conducted;
- Section 8.0 **Mitigation Measures to Minimize Environmental and Health Impacts of Renovate®** - reviews the approved use instructions and label information to mitigate and/or minimize any potential impacts to humans and the environment and discusses potential permit requirements;
- Section 9.0 **Unavoidable Environmental Impacts if Use of Renovate® is Implemented** – considers impacts to habitat, non-target species, and potential for reinfestation; and
- Section 10.0 **References** – contains the citations and sources of the information presented in the SEIS.