

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Materials Management, Bureau of Pesticides Management  
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www.dec.ny.gov

January 24, 2022

## VIA EMAIL

Dear Pesticide Registrant:

### **Re: Notice of the Intent to Reclassify Acetamiprid Containing Products as “Restricted Use” Pesticide Products in New York State**

The New York State Department of Environmental Conservation (Department) has reviewed the current registration classification of all acetamiprid products registered in New York State.

The United States Environmental Protection Agency (U.S. EPA) recently released a Proposed Interim Registration Review Decision for acetamiprid which outlines numerous concerns ([https://www.epa.gov/sites/default/files/2020-01/documents/acetamiprid\\_pid.pdf](https://www.epa.gov/sites/default/files/2020-01/documents/acetamiprid_pid.pdf)). A brief summary of this proposed interim decision is included in the appendix.

Due to concerns raised regarding potential impacts to various environmental resources, including pollinators, the Department intends to reclassify all acetamiprid products labeled for widespread outdoor and foliar application as “restricted use.” The reclassification will ensure proper use by trained applicators, and require sales and use data to be annually reported to the Department in accordance with the Pesticide Reporting Law. This will provide a practical mechanism for obtaining information on use location and amounts for acetamiprid products which are currently registered as “general use” in New York State and used by the general public.

The following product has been identified with widespread outdoor uses and/or foliar application:

The above-listed product will be **reclassified as “restricted use”** in accordance with New York State Department of Environmental Conservation Regulations 6 NYCRR 326.23(e) on **January 1, 2023**.

Please be aware that pesticide products classified as “restricted use” are restricted in their purchase, distribution, sale, use and possession in New York State. Furthermore, each product may only be purchased and used by a certified applicator in New York State.

According to New York State Department of Environmental Conservation Regulations 6 NYCRR Part 326.3(a): "It shall be unlawful for any person to distribute, sell, offer for sale, purchase for the purpose of resale, or possess for the purpose of resale, any restricted pesticide unless said person shall have applied for, and been issued a commercial permit."

The Pesticide Reporting Law within Environmental Conservation Law Article 33 Title 12 requires all certified commercial pesticide applicators to report information annually to the Department regarding each pesticide application they make. Commercial pesticide retailers are required to report all sales of restricted use pesticide products and sales of general use pesticide products to private applicators for use in agricultural crop production. If no sales are made within New York State, a report must be filed with the Department indicating this is the case.

If you require information on how to obtain a commercial permit or have questions regarding reporting requirements, please contact the Pesticide Reporting and Certification Section, at (518) 402-8748.

If you have any questions regarding this letter, please contact Jeanine Broughel, Chief of our Pesticide Product Registration Section, at 518-402-8768 or [Jeanine.Broughel@dec.ny.gov](mailto:Jeanine.Broughel@dec.ny.gov).

Sincerely,

/s/

Scott Menrath, P.E.  
Director  
Bureau of Pesticides Management

Enclosure

## APPENDIX

The following summary was compiled taking language directly from various sections of the United States Environmental Protection Agency (EPA) January 22, 2020 Proposed Interim Registration Review Decision (PID) for acetamiprid.

Acetamiprid is a chloropyridinyl neonicotinoid, distinct from the nitroguanidine neonicotinoids (imidacloprid, clothianidin, dinotefuran, and thiamethoxam), which are subjects of separate PIDs. All neonicotinoids function by binding to nicotinic acetylcholine receptors in the post-synaptic neurons of an insect's central nervous system.

Acetamiprid has contact and systemic activity used to control a variety of insects, primarily piercing and sucking pests, but also select lepidopteran and coleopteran species. Acetamiprid is registered for use on many crops, including grapes, apples, cotton, beans, soybeans, corn, berries, nuts, stone fruits, and potatoes. Seed treatment uses of acetamiprid include canola, mustard, and potato seed pieces. Registered non-agricultural sites include indoor and outdoor residential settings. It is also registered for use in institutional, public, commercial (including food handling establishments), industrial, and animal/livestock settings. In agricultural settings, acetamiprid products are applied to leaves, seeds, and soils, as well as directly to insect nests, such as ant nests. In the home they may be applied to surfaces or used in bait traps or dispensed as an aerosol, for treatment of household pests, such as bedbugs, for control of ticks and fleas on dogs, and in landscaping. Formulations include liquid, wettable powder, wettable powder in soluble packets, soluble granule or dry flowable products, baits and sticky traps, impregnated materials, and ready-to-use products. Acetamiprid may be applied by aircraft, groundboom, airblast equipment, backpack, and pressurized handwand.

EPA has identified risks of concern to occupational handlers applying liquids and wettable powders as basal bark treatments using backpacks. EPA has also identified risks to mammals and birds that consume treated seeds, to birds from foliar applications, to terrestrial invertebrates from foliar applications, to aquatic invertebrates from foliar applications, and to terrestrial plants.

To mitigate the risks to occupational handlers, EPA proposes updating personnel protective equipment (PPE) standards for certain applications of acetamiprid. To mitigate risks to birds, invertebrates and terrestrial plants, EPA proposes spray drift mitigation and buffer zones to limit the movement of acetamiprid. To mitigate risks to birds and mammals, EPA proposes standards for handling acetamiprid-treated seeds. The agency is also proposing updated gloves statements, insecticide resistance management language, an environmental hazard statement for pollinators, and best practices language for water soluble packaging.

The EPA will issue a final decision on acetamiprid and the other neonicotinoid registration review cases after all comments are reviewed and determinations in accordance with the Endocrine Disruptor Screening Program and the Endangered Species Act are performed. Once the Interim Registration Review Decision is issued, registrants must submit amended labels that include required labels changes to the EPA for review within 60 days. The Interim Decision is anticipated to be issued around July to September 2022.