

William Smith Cornell

New York State Department of Environmental Conservation

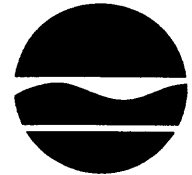
Division of Solid and Hazardous Materials

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Erin M. Crotty
Commissioner

MAR 14 2003

Mr. Robert Mungari
New York State Department of Agriculture and Markets
1 Winners Circle, Capital Plaza
Albany, New York 12235

Dear Mr. Mungari:

This letter addresses the use of formic acid for the control of mites in beehives, with information for distribution to various apiary organizations, beekeepers and interested parties. Formic acid is not registered for use as a pesticide in New York State. According to New York State Environmental Conservation Law (ECL) §33-0701, every pesticide which is used, distributed, sold, or offered for sale within this state...shall be registered every two years with the office of the commissioner. It is illegal to use formic acid in New York State, for the control of mites in beehives, unless it has been labeled, packaged and registered for use in New York State as a pesticide.

MiteGone Enterprises, Inc., is currently marketing a product MiteGone Evaporator Pads which serves as a delivery system of formic acid, for the treatment of varroa and tracheal mites in beehives. The company instructs customers to purchase, from another source, and prepare chemical grade formic acid for use in the pads. If a beekeeper uses formic acid, according to the directions for MiteGone, they would be performing an illegal pesticide application. While the sale of a delivery system for chemical grade formic acid is not necessarily illegal, recommending the use of this hazardous substance for use in this manner is negligent. The manufacturer of MiteGone has passed the liability for the use of this product on to the potential applicator.

Formic acid is a hazardous substance and the use of the MiteGone product requires the mixing and dilution of the pure liquid formulation. Formic acid has the following warning statements: corrosive to eyes and skin by direct contact or by exposure to vapors; harmful or fatal if swallowed; do not breathe vapors; wear goggles or face shield, chemically-resistant gloves, apron/pants and boots when handling liquid formic acid.

Mr. Robert Mungari

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Currently, there are two formic acid gel products registered for use as pesticides, by the United States Environmental Protection Agency (EPA), for the treatment of varroa and tracheal mites in beehives. However, these products are not registered for use in New York State. Apicure (EPA Reg. No. 72839-1) was once registered for use in New York State, but the registrant did not renew the registration as of March 31, 2002. It is our recommendation that beekeepers, in conjunction with apiary organizations, work with potential pesticide registrants to get these formic acid gel formulations registered in New York State or help develop a more effective delivery system for a registered liquid formulation of formic acid.

Sincerely,



John Wainwright
Acting Chief
Pesticide Compliance Section

cc: William Smith, Cornell
Nick Calderone, Cornell
George Good, Cornell