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April 25<sup>th</sup>, 2024

Washington State Department of Ecology  
Water Quality Program  
Attn: Marla Koberstein  
P.O. Box 47696  
Olympia, WA 98504-7696  
(360) 628-6376  
[marla.koberstein@ecy.wa.gov](mailto:marla.koberstein@ecy.wa.gov)

Dear Ms. Koberstein,

On behalf of the Roza Irrigation District (Roza), we have attached the following public comments on the Department of Ecology's (Ecology) rule proposal to **revise Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington**. Roza also supports all public comments on this rulemaking proposal update provided by the Washington State Water Resources Association (WSWRA) Executive Committee and its members, Sunnyside Valley Irrigation District (SVID), and the Roza-Sunnyside Board of Joint Control (RSBOJC). There are a few chemicals under the Aquatic Life Toxics Criteria section either being added or updated which Roza utilizes as management tools to carry out the fundamental purpose of delivering irrigation water to landowners in an efficient manner at the lowest possible cost while consistent with good management practices. In addition, through sound stewardship practices and continued usage of herbicides for aquatic vegetation management, the District will maintain the ability to enhance water supplies by improving water conveyance and quality, supporting storage development, and increasing management efficiency throughout the Lower Yakima River Basin.

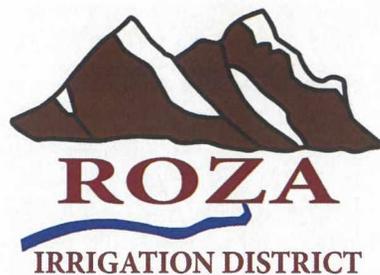
Managing aquatic vegetation in the District's conveyance system only by physical and mechanical control methods is and would be unfeasible due to the massive size and scale of Roza's irrigation infrastructure. The requirements for these methods involve costly labor and expenses, and even risk additional unintended consequences, such as check structure failure, canal lining damage, and/or overtopping. Meanwhile, the implementation of chemical control methods will eliminate virtually all aquatic vegetation and pose no risk of damage to critical irrigation facilities.

Roza takes pride in our accomplishments as being responsible and strong environmental stewards. We appreciate you and Ecology allowing us the opportunity to provide public comments and/or input on this important matter. The ability for us to all work together as partners during this process will provide future generations with sustainability of water resources, and support the viability of agricultural production.

Sincerely,

Scott Revell  
District Manager

Attachment: #1 Roza Public Comments on Rule Proposal to Revise Chapter 173-201A WAC (May 2024)  
#2 Roza Letter of Support for Magnacide H FIFRA Label Revision 06-20-2022  
#3 Roza Letter of Support for SLN Reregistration of Magnacide H 10-22-2021



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**Roza Irrigation District (Roza) Public Comments on the Rule Proposal to Revise the Aquatic Life Toxics Criteria of Chapter 173-201A WAC, Water Quality Standards for Surface Waters in the State of Washington (May 2024)**

- 1. Establishment of new aquatic life toxics criteria for Acrolein in freshwater** – We earnestly request Ecology to reconsider establishing both the acute and chronic toxicity criteria for acrolein at 3.0 µg/L (or ppb). Many irrigation districts and companies in the State of Washington rely on the usage of this chemical tool for aquatic vegetation management in their respective irrigation conveyance systems. There is major concern that the establishment of these newly low standards will have an enormous impact on a current effluent limit allowed under the NPDES and SWD General Permit: Irrigation System Aquatic Weed Control (ISAWC). These proposed low standards do not align with the practicable usage of an EPA and WSDA registered herbicide product and its FIFRA and SLN approved labels: Magnacide H™ (EPA Reg. No. 10707-9) which contains the active ingredient acrolein. The Magnacide H™ (or acrolein) federal FIFRA label was approved for reregistration by EPA in 2014, and the WA State SLN label was approved by WSDA in 2022. This chemical is the most effective and reliable herbicide tool on the market that provides broad spectrum control of large vascular plants and algae in irrigation conveyance systems throughout the western United States and worldwide. When applied in accordance with the product labels and manual this herbicide will provide results in a short time frame of hours opposed to days, and its non-selective mode of action will eliminate all types of aquatic vegetation pests such as pondweeds, elodea, watermilfoil, and algae. Irrigation Districts and companies have the responsibility to deliver satisfactory water supply to landowners and/or growers when they need it. The ability to control overgrowth of aquatic weeds and algae with acrolein must be available to operate the conveyance system(s) efficiently and economically as possible. By setting very low WA state surface water quality standards (and potentially lowering future NPDES and SWD effluent limits) for acrolein, it will cause major disruption on the sustainability of designated agricultural water uses and the continued viability of agricultural production in the State of Washington.
- 2. Revision of existing aquatic life toxics criteria for Copper in freshwater** – First, 1) We are requesting Ecology clarify the frequency (i.e., term “concurrently”) of sampling water pH, hardness, and dissolved organic carbon (DOC) that would need to occur in order to calculate (or adjust) acute and chronic criteria for copper at a site-specific location or water body. How often and for how long does sampling data for pH, hardness, and DOC need to be collected. 2) Also, please explain what DOC is when talking about water quality in freshwater and explain its relationship or correlation to copper. 3) Please elaborate on the rulemaking process if adjusted acute and chronic criteria for copper at a site-specific location or water body is established and a request is made to use these criteria instead of the default criteria. Will these adjusted criteria be applied to WA State Surface Water



Quality Standards (Chapter 173-201A WAC) only? Can they be applied to discharge effluent limits in NPDES and SWD permits? or both?

Second, Roza, as well as many other irrigation districts in the State of Washington, greatly value the usage of copper as an aquatic herbicide tool. Copper is one of the most abundant products on the market within the irrigation and agricultural industries. It is very effective at controlling aquatic weeds, mainly algae species that constantly thrive in irrigation conveyance systems. Revising the copper criteria in Eastern Washington to a default value of 2.5 µg/L (or 0.0025 mg/L) will have significant impact(s) on the current discharge effluent limit allowed under the NPDES and SWD General Permit: Irrigation System Aquatic Weed Control (ISAWC). By restricting the permitted copper effluent discharges it will remove the ability to use copper algaecide products that Roza relies on to manage and eliminate specific aquatic weed species in its conveyance system(s), which actively grow every year during the warm irrigation season months. We request that Ecology reconsider setting the Eastern Washington default copper acute criteria at 2.5 µg/L and default copper chronic criteria at 1.8 µg/L as these such low standards are going to make irrigation water conveyance more difficult to support agricultural growers and production in the State of Washington.



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June 20<sup>th</sup>, 2022

Miles Rhea  
Senior Manager Global Regulatory Affairs  
Baker Hughes  
12645 West Airport Boulevard  
Sugar Land, Texas 77478

Dear Miles,

Please consider this formal request to revise the current MAGNACIDE™ H HERBICIDE label regarding the removal of the statement, “**Maximum number applications: 8 per year**”.

Currently, there is only a small number of aquatic herbicides/algacides that may be utilized in irrigation canals during the times of active water delivery in the growing season; these are (in no specific order) Cascade (EPA Reg. #:70506-176); Teton (EPA Reg. #:70506-175); MAGNACIDE H HERBICIDE (EPA Reg.#10707-9); and numerous chelated copper formulations such as Argos® (EPA Reg. #: 81927-53), Captain™ XTR (EPA Reg. #: 67690-9), Cutrine™ Plus (EPA Reg. #:67690-93), etc. Of these registered herbicides, MAGNACIDE H HERBICIDE is the one product that may be applied successfully in intervals of less than 4 hours without regard to the weed species present in the irrigation canals. The repeated use of some of these other chemistries in irrigation canals has resulted in a species shift to less sensitive weed species, predicating higher rates to maintain control during water delivery season. MAGNACIDE H HERBICIDE is the one broad-spectrum biocide that does not see differential response by target weed species in the field.

All aquatic herbicides are employed in what could be considered environmentally sensitive areas, and as such, are held to higher requirements for pesticide registration both by the US EPA and the various state entities. Additionally, the US EPA and State Departments of Agriculture have instituted increased safety precautions; to include, required applicator certification, annual applicator training, fit testing and competency evaluation. Further, return flows to sensitive waters are already carefully monitored to prevent inadvertent non-target organism exposures. This request is made not to reduce any of these requirements but to have the ability to maintain the flow of irrigation water when the conditions require treatment.

In the **Roza Irrigation District** our irrigation season runs from **April to October**. Our water supply comes from the **Yakima River** located within the Yakima Basin and/or Water Resource Inventory Areas (WRIA) 39 and 37 in central Washington State.

The **Roza Irrigation District**, has the responsibility to deliver water supply to our landowners and growers when they need it. We must control the growth of aquatic weeds and algae to operate the system efficiently and economically as possible. Weeds and algae plug canal structures and irrigation



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equipment. They increase water loss through evaporation by slowing delivery speeds and increasing the surface area of the flowing water.

Application of MAGNACIDE H HERBICIDE is uniquely different than applications to terrestrial weeds. Each application is applied to flowing water, which is utilized as the carrier to distribute the aquatic herbicide downstream. In respect to MAGNACIDE H HERBICIDE, no residual remains once the product has moved past a given point in the application area. In reality, applications are not made to the same site as the previous application has moved downstream and is no longer active.

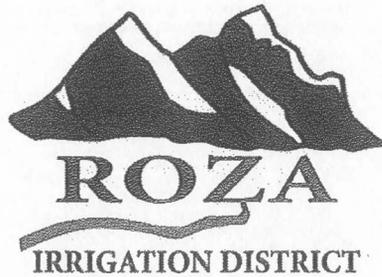
Given the current drought situation, increased temperatures, and the fact that each application is not made to the same site, we are requesting removal of the restriction of "**Maximum number applications: 8 per year**". We must have the flexibility to control these unwanted aquatic weeds and algae on their schedule, not ours.

The manufacturer and registrant of MAGNACIDE H HERBICIDE, Baker Petrolite LLC, and the sole vendor and distributor, Alligare LLC fully support the request being made herein.

Respectfully,

Scott Revell  
District Manager

CC: Dave Blodget  
Regional Sales Manager, West  
Alligare, LLC  
661-599-3231  
[dave.blodget@alligare.com](mailto:dave.blodget@alligare.com)



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October 22<sup>th</sup>, 2021

Matt Sunseri  
Registration Specialist, Pesticide Management Division  
Washington State Department of Agriculture  
(360) 902-2078  
[msunseri@agr.wa.gov](mailto:msunseri@agr.wa.gov)

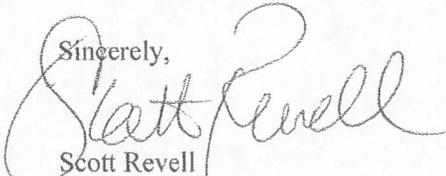
Dear Mr. Sunseri,

It is with great importance that we write a letter of support regarding the Washington State Department of Agriculture (WSDA) Special Local Needs (SLN) re-registration of Magnacide H, also known as by its chemical name as Acrolein. The continued usage of this aquatic herbicide in the State of Washington is crucial for the successful operation and maintenance of our irrigation conveyance systems within the Lower Yakima River Basin.

Magnacide H (i.e., Acrolein) has acted as an effective tool decades long for this irrigation district and many others located within Eastern Washington. It is vital to managing the aquatic vegetative growth that will occur each year and constantly throughout the warm summer months and most of the irrigation season (April to October). Unlike the other current aquatic herbicides on the market, Magnacide H is the only product that is able to control particularly hardy, larger plants such as elodea and milfoil. It also undergoes rapid chemical degradation and can be used in emergency aquatic weed bloom situations within a day, providing the district with a strong water management tool. We require the continued use of this herbicide in order to deliver irrigation water to landowners in an efficient and structured manner while consistent with good management practices.

In conclusion, Roza Irrigation District (RID) fully supports the renewal efforts towards the re-registration of the SLN label for Magnacide H (e.g., Acrolein) usage as an aquatic herbicide within the State of Washington. We appreciate your time and consideration on this issue, as we value the collaborative nature of our relationship.

Sincerely,



Scott Revell  
District Manager

CC: Dave Blodget  
Regional Sales Manager, West  
Alligare, LLC  
661-599-3231  
[dave.blodget@alligare.com](mailto:dave.blodget@alligare.com)