Message

From: Weekley, Erin [weekley.erin@epa.gov]
Sent: 5/21/2020 3:33:47 PM
To: Buckner, Edwin [Buckner.Edwin@epa.gov]
Subject: FW: NDA help with Bee Kill?

Ex. 5 AC/DP

Erin Weekley
Chemical Branch Chief
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 7
11201 Renner Boulevard
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office (913) 551-7095
work cell (816) 274-1107

From: Green, Jamie <Green.Jamie@epa.gov>
Sent: Thursday, May 21, 2020 6:56 AM
To: Weekley, Erin <weekley.erin@epa.gov>; Bruno, Jodi <Bruno.Jodi@epa.gov>; Bednar, Candace <Bednar.Candace@epa.gov>
Subject: FW: NDA help with Bee Kill?

FYI – Given we or our programs all had some involvement with some issues associated with this facility last year I just wanted to share as thought you might be interested.
I will let you all know what comes out of the next conversation. Hopefully I'll get a little more info. I think I could probably guess what's happening but will wait to hear more from Tim and Judy and pass it along. I'm sure there may be some information here that OPP might be interested in for their risk assessments. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Judy Wu-Smart <jwu-smart@unl.edu>
Sent: Wednesday, May 20, 2020 4:40 PM
To: Tim Creger <tim.creger@nebraska.gov>
Cc: Green, Jamie <Green.Jamie@epa.gov>
Subject: Re: NDA help with Bee Kill?

Hi Tim,

Ha. Yes, it must be my phone font. This is very informative and explains some odd pesticide results we received from the USDA lab last year when we sent in milkweed plants. These milkweed were collected all around ENREC growing along field margins. At some sites, the milkweeds had levels as high as 5,000ppb of one neonic compound. I can't recall if it was Clothiandin or Thiamethoxam.

While one student monitored dead bee traps another student has been surveying wild bee abundance and diversity at ENREC and from these two studies we see increases in honey bee mortality occurring at the same time wild bee abundance drops.

I have been trying to figure this out for several years now. Any idea how long this might have been going on?

My predecessor said he didn't have any trouble keeping bees alive but that was before 2013.

Can we meet via zoom to discuss this further? I have many questions and would like to gather our pesticide results to share and discuss more about where the lagoon leads through ENREC and whether it coincides with our milkweed residue data. Can you share the pesticide results from your examination?

Are you and Jamie available next week? I will also try to reach out to the pollinator task force to see if someone can join us.

Thanks,

Judy Wu-Smart

Thanks,

Judy

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From: Creger, Tim <tim.creger@nebraska.gov>
Sent: Wednesday, May 20, 2020, 3:52 PM
To: Judy Wu-Smart
Cc: Green, Jamie
Subject: RE: NDA help with Bee Kill?

Judy,

Perhaps the reason the text in your message was so large is because you were using your phone to send it? I hope it wasn't intended to get my attention, you have it without using such a large font size. ☺

There is a significant back story and regulatory history involving NDA and AltEn, and quite frankly, we would be quickly accused by the manager of the facility, who is also an attorney, of targeting the facility when we have recently entered into a settlement agreement with them on an issue related to how they dispose of the contaminated wetcake. Please see my comments below the following list for more on that.

The pesticide active ingredients found in three samples we tested from the facility in 2019 include the following:

Azoxystrobin
Clothianidin
Fludioxinil
Fluoxastrobin
Glyphosate
Imidacloprid
Metalaxyl
Prothioconazole
Tebuconazole

Thiamethoxam
Trifloxystrobin

Some of the compounds were found to exceed 500,000 parts per billion in concentration. NDEE has tested the lagoon water and found some of the same constituents, but I do not have access to that data to tell you what the concentrations were.

We have struggled with how FIFRA or the Nebraska Pesticide Act provides us the authority to investigate pesticide residues found in "waste" materials such as the DDG wetcake. This is because the pesticides were not applied to the wetcake, and the extent of state or federal pesticide regulation ends at the use of the product on the labeled target site, which is the action of treating the seed, not the subsequent disposal of unused seed that is used to produce ethanol. Both NDA and NDEE have determined the existing wetcake and lagoon water are solid waste issues regulated under RCRA and the Nebraska Integrated Solid Waste Management Regulations. We have engaged NDEE and EPA at both regional and headquarters offices to arrive at this determination, so "contacting EPA" may result in yet another round of debate about how the wetcake should be regulated, with the eventual decision being that it falls under state and federal solid waste rules, not pesticide regulation.

Unless you are aware of other existing academic work that has studied something like this, I really think a credible option is to find out if USDA still has a pollinator protection task force to see if they are willing to engage in underwriting research on the issue. It is perhaps an untouched area of science that could shed some light on annual colony collapse. I tried looking online for what I thought USDA had in this arena but see all of the links I've used before resulted in 404 errors, so not sure if it has been taken down by the new administration, or something else is going on. If you want a name and contact at EPA to further discuss your concerns, I would recommend the following person:

Jamie Green
Chief, Toxics, Tanks and Pesticides Branch
Land, Chemical and Redevelopment Division
U.S. EPA - Region 7
11201 Renner Blvd
Lenexa, KS 66219
Phone: 913-551-7139

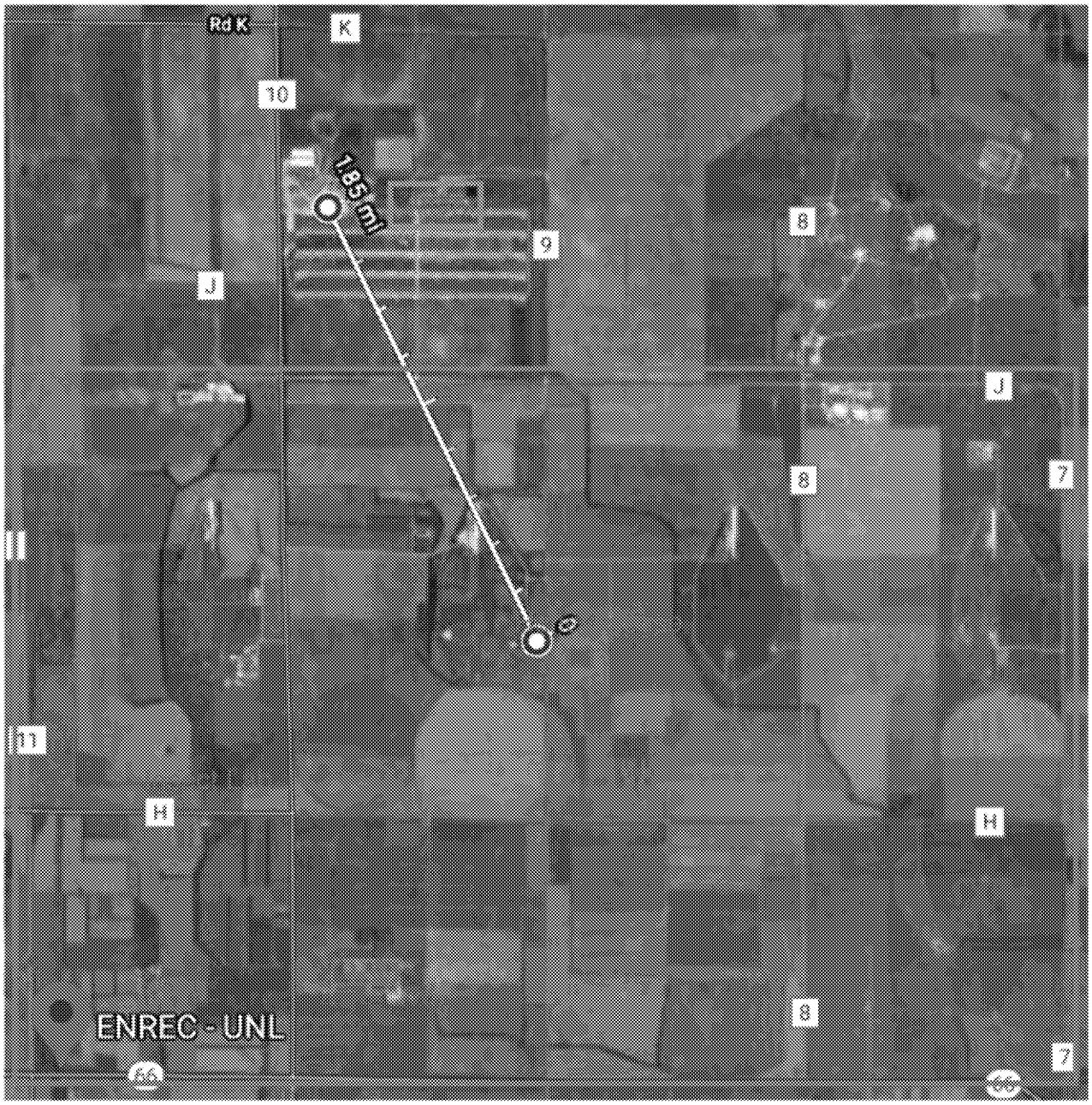
I am copying Jamie on this reply so he is aware of our most recent discussion. I have also copied him on your first message so he is aware of the original concern I replied to earlier this morning.

Kindest Regards,

Tim Creger
Pesticide/Fertilizer Program Manager
Nebraska Department of Agriculture
OFFICE 402-471-6882

From: Judy Wu-Smart <jwu-smart@unl.edu>
Sent: Wednesday, May 20, 2020 2:45 PM
To: Creger, Tim <tim.creger@nebraska.gov>; Vance, Buzz <buzz.vance@nebraska.gov>
Subject: Re: NDA help with Bee Kill?

Honey house is 1.85 miles from AltEn. Shown on attached image. Pink box is perimeter of ENREC



Thanks to you both. Given this information, I think it might the best to contact EPA to see if they can facilitate. In the meantime, we have a possible lead on some UNL folks that may have worked with them (not sure at what capacity) and may have an idea about what seed treatment products they're using. This will allow us to

determine which active ingredients are in those. We can even gather the list of the compounds we know UNL researchers are using around ENREC then we can get this list of screening compounds.

Can we utilize the SD lab to analyze the samples? If so at what cost? Can we sample the bees? Should NDA sample?

Do you have a contact person at EPA I should reach out to?

Thanks for all the assistance,

Judy

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