From:	Michele Colopy
To:	FOIA_HQ@EPA
Cc:	Thomas Harris/DC/USEPA/US@MSO365; Steven Bradbury/DC/USEPA/US@MSO365; Donald Brady/DC/USEPA/US@MSO365; Lois Rossi/DC/USEPA/US@MSO365; Lois Rossi/DC/USEPA/US@MSO365; Donald Brady/DC/USEPA/US@MSO365
Subject:	FOIA for Bee kill incident Oct. 15 and 21, 2011 in Utah
Date:	08/05/2013 11:44 AM
Attachments:	FOIA request for Taylor Bee kill in Utah in 2011.pdf

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August 5, 2013

National Freedom of Information Officer
U.S. EPA, Records, FOIA and Privacy Branch
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Via Email: hq.foia@epa.gov

FREEDOM OF INFORMATION ACT REQUEST

Dear Sir or Madam,
Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, we hereby request **expedited** access to and copies of all documents in EPA possession (correspondence, memoranda, phone records, notes, or other documents) relating to the **bee kill incident that occurred Oct. 15, 2011, and Oct, 21, 2011 as reported by Mr. Jarod Taylor of St. George, Utah.** This bee kill incident was reported to the Utah State Lead Agency and the Federal EPA by Mr. Taylor, **with the National Pollinator Defense Fund assisting him in the reporting process.** In particular, we request the following:

- Data Evaluation Records of both field and laboratory results of the bee kill.
- All EPA staff summaries of the field and laboratory results of the bee kill.
- All communications in EPA possession to and from the State Lead Agency related to this bee kill investigation in Utah.
- All documents in EPA possession to and from the State Lead Agency related to this bee kill investigation in Utah.
- All documents and communications in EPA possession related to this bee kill investigation in Utah.

Electronic copies of all documents in EPA possession relative to this reported bee kill in Utah in 2011 are preferred.
The following additional instructions apply to this request:

- The terms "records" and "documents" are to be given the broadest interpretation possible under the Freedom of Information Act, and include all correspondence, memoranda, notes, or other documents, whether created by U.S. EPA or someone else, in draft, electronic, or other forms.
- The terms "and" and "or" should be construed to be both disjunctive and injunctive, as necessary, to give this request its broadest scope.
- If you determine that any of the requested records, or any portions of the requested records are exempt from release, and you decide to withhold those records or portions of records, please identify and describe those records or portions of records and state the exemption that you feel applies.

This information is being sought on behalf of the National Pollinator Defense Fund (NPDF) for dissemination to the general public.
This request is not being submitted for commercial purposes. Release of the information is in the public interest because it will contribute significantly to public understanding of government activities in the area of pesticide registration. In particular, NPDF will use this information to educate the public. With many years of commercial beekeeping experience among the NPDF board members, the NPDF is particularly well suited to analyze and disseminate this data. This is an **expedited request because this incident is from 2011**, and no conclusion has occurred with this incident. NPDF will ensure that the information is made available to the public through our website, on-line newslist, and other publications.
While the State of Utah determined the Southwest Mosquito Control and Abatement District did not kill the bees, no further investigation was conducted to determine who or what entity DID spray the permethrin chemical that was found through lab analysis in the dead bees.
An expedited request of information is made as this bee kill incident occurred in 2011, nearly two years ago. Beekeeping contributes $20- $30B to the U.S. agricultural economy. <u>The processes of investigating bee kills, and the losses experienced by beekeepers through pesticide-related bee kills is economically deleterious to the individual, and to the U.S. economy.</u> Beekeeping is correlated with a sustainable, and affordable food supply. Understanding, and thus correcting pesticide misuse which creates lethal and pre-lethal effects upon honeybees is vital to healthy, strong agriculture.

The National Pollinator Defense Fund (NPDF) is requesting a fee waiver for this information. Below we have addressed the six required factors.
1) "The subject matter of the requested records must specifically concern identifiable operations of activities of the government." The subject matter of this FOIA request specifically concerns the EPA review and bee kill investigative process that aids in the analysis of pesticides, and their label directives. These are identifiable operations and activities of the government within the meaning of this first factor. The information is sought to increase the public's understanding of government decision-making activities relevant to the safe use, and labelling of pesticides.
2) "For the disclosure to be "likely to contribute" to an understanding of specific government operations or activities, the releasable material must be meaningfully informative in relation to the subject matter of the request." Through this FOIA request, NPDF seeks information about the misuse of pesticides relevant to the bee kill investigative process that contribute to the decision-making process that culminate in EPA decisions about the regulation and labelling of agricultural insecticides. The documents requested will shed light on the investigative process and the decision-making process as it pertains to labelling directives, and the safe use of pesticides. NPDF is seeking this information in order to inform our constituents and the general public about the operations and decision-making activities of the EPA concerning the regulation, on-going review of, and label directives concerning pesticides/insecticides. NPDF constituents and the general public would benefit from a greater understanding of the EPA's justification of investigating bee kills, analyzing bee kills as they pertain to safe uses of pesticides, and the label directives/guidelines that EPA determines in order to protect the environment, the food supply, and pollinators.
3) "The disclosure must contribute to the understanding of the public at large, as opposed to the understanding of the requester or a narrow segment of interested persons." The investigations of bee kill incidents reported to the EPA is a matter of concern to the public in general, not just to a narrow segment of interested persons. EPA determines the guidelines for use of a pesticide, and approves the language on the label of pesticides. Whether the

pesticide is consumed for agricultural use or an individual homeowner's garden, the effects of pesticides upon native and managed pollinators is universal: the label guidelines / directives are the same. NPDF will provide the information gained from this request through our organizational newslist and our web site (http://www.pollinatordefense.org), thus contributing to the understanding of the issues for a large and diverse population. The organizational website is accessible to the general public, and the news list is distributed not only to our constituents, but sent upon request and distributed at public events such as conferences, beekeeper meetings, and in university classes.
4) "The disclosure must contribute 'significantly' to public understanding of government operations or activities" This bee kill incident is from the year 2011. This disclosure will fulfill the FIFRA guidelines of investigating bee kills as a misuse of pesticides, and providing a report about the investigation. The requested documents will contribute to public understanding of the bee kill investigative process.
5) "The extent to which disclosure will serve the requester's commercial interest, if any." NPDF has no commercial interest that would be served through the granting of this request. NPDF is a public interest, non-profit 501 (c)(3) organization whose mission involves advocacy, and public education concerning the long-term viability of pollinator populations. NPDF does not produce or sell any products or services that would benefit commercially from this request.

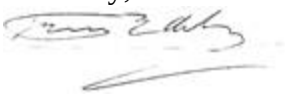
6) "The extent to which the identified public interest in the disclosure outweighs the requester's commercial interest." As discussed above, NPDF has no commercial interest that would be served by any information provided through this request. Therefore, the disclosure would be solely in the public interest.

NPDF agrees to pay reasonable duplication fees for the processing of this request in an amount not to exceed $25. However, please notify us prior to your incurring any expenses in excess of that amount.
If our request is denied in whole or part, we ask that you justify all deletions by reference to specific exemptions of the act. We will also expect you to release all segregable portions of otherwise exempt material. We, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

We look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Sincerely,



Bret Adee
President of the Board

cc: Thomas Harris, Chemical Review Manager, Office of Pesticide Programs, (harris.thomas@epa.gov)
Steve Bradbury, Director, Office of Pesticide Programs, (Bradbury.steven@Epa.gov)
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c/o Michele Colopy
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National Pollinator Defense Fund, Inc.
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The National Pollinator Defense Fund's mission is to defend managed and native pollinators vital to a sustainable and affordable food supply from the adverse impacts of pesticides.

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