Message

From: Judy Wu-Smart [jwu-smart@unl.edu]
Sent: 5/21/2020 8:07:48 PM
To: Tim Creger [tim.creger@nebraska.gov]
CC: Tammy Zimmerman [tammy.zimmerman@nebraska.gov]; Green, Jamie [Green.Jamie@epa.gov]; Buzz Vance [buzz.vance@nebraska.gov]; Daniels, Michael [daniels.michael@epa.gov]
Subject: Re: NDA help with Bee Kill?

Hi All,

Thank you very much. There have been a number of beekeepers we've been working with that have also struggled to keep hives alive around there so there has been some issue at this location for a number of years.

Given the proximity to our research hives, we have pollen traps samples, dead bee samples, soil samples and plant material from various sites all around ENREC for the past 3 years. We would be willing to share these if there was interested testing for residues to isolate the point source of contamination.

And just so you know, I reached out to Marla Spivak from UMN since we worked on neonic issues together before and she connected with some other regulatory Minnesota Dept of Ag folks to see if they have come across this before.

I was going to connect with Tom Steeger at EPA as he has been closely involved with the Neonics and pollinator protection efforts. He would be a great person to make aware of this situation. Marla and I know him from when I was a student at UMN but I'll let you all go through the proper channels.

Thanks for assisting with this,

Judy

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From: Creger, Tim <tim.creger@nebraska.gov>
Sent: Thursday, May 21, 2020 2:46:27 PM
To: Judy Wu-Smart <jwu-smart@unl.edu>
Cc: Tammy Zimmerman <tammy.zimmerman@nebraska.gov>; Green, Jamie <Green.Jamie@epa.gov>; Buzz Vance <buzz.vance@nebraska.gov>; daniels.michael@epa.gov <daniels.michael@epa.gov>
Subject: RE: NDA help with Bee Kill?

Judy,

I know Jamie Green sent you a message earlier today, but I also want to reach out to you so you know for sure what our intentions are for this situation.

Without hard evidence of a cause-and-effect pesticide application causing bee mortality, NDA and EPA are not authorized or equipped to conduct an extensive regulatory investigation on the scale it would take to establish compliance with state and federal pesticide laws. However, both NDA and EPA are committed to the protection of pollinator health as it is impacted by pesticides, and so we welcome engagement with you to have a meaningful discussion of the aspect pesticides might impact bees when found in distiller's dried grain that was previously treated seed corn. After discussing the concept with Jamie today, we agreed we would try to engage appropriate people in EPA Headquarters that a key interest in pollinator protection, as well as those people who immediately involved in the registration aspect of the neonicotinoid insecticides. Jamie and would like to visit with those individuals next week

before setting a date and time for the larger discussion with you, since we need to make sure EPA HQ staff are fully aware of the history and current situation involving NDA, NDEE and AltEn, LLC. There are some aspects of that discussion that enforcement sensitive and must remain confidential between the NDA and EPA, but once we have had a chance to brief EPA HQ staff, we can have an active discussion about your bee mortality issues and what we might have to offer as far as regulatory agencies of pesticides.

So for now, please accept my offer to engage in a broader discussion with EPA, but the actual date and time is uncertain until we can make the appropriate connections with EPA staff in the headquarters office, which Jamie is working on.

Sincerely,

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

CC:
Tammy Zimerman, NDA Focus Area Administrator
Jamie Green, EPA Pesticide Branch Chief
Mike Daniels, EPA Nebraska Project Officer
Buzz Vance, NDA Pesticide/Fertilizer Registration Specialist

From: Judy Wu-Smart <jwu-smart@unl.edu>
Sent: Wednesday, May 20, 2020 4:40 PM
To: Creger, Tim <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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