Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 12/21/2021 8:37:53 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Blunt, Endia [Blunt.Endia@epa.gov]; Corbin, Derek [Corbin.Derek@epa.gov]; Crawford, Lydia [Crawford.Lydia@epa.gov]; Gerber, Theresa [Gerber.Theresa@epa.gov]; Harrington, Jamie [Harrington.Jamie@epa.gov]; Hildebrandt, Curtis [Hildebrandt.Curtis@epa.gov]; Holt, Aleah [Holt.Aleah@epa.gov]; Kerr, Julia [kerr.julia@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Ondish, Mindy [ondish.mindy@epa.gov]; Roe, Lindsay [Roe.Lindsay@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Attn HB: FW: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

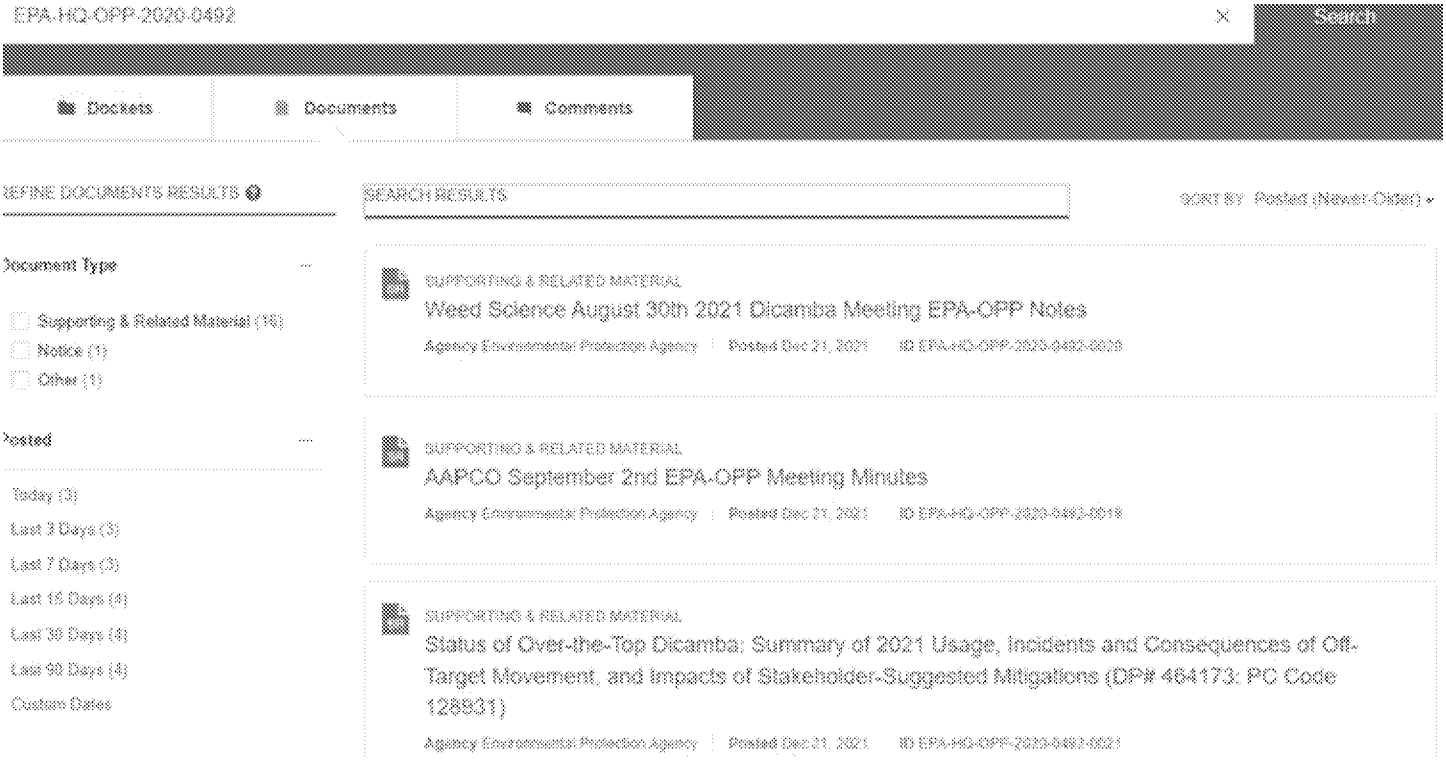
Great job everyone!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, December 21, 2021 3:32 PM
To: Blunt, Endia <Blunt.Endia@epa.gov>; Corbin, Derek <Corbin.Derek@epa.gov>; Crawford, Lydia <Crawford.Lydia@epa.gov>; Gerber, Theresa <Gerber.Theresa@epa.gov>; Harrington, Jamie <Harrington.Jamie@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Hildebrandt, Curtis <Hildebrandt.Curtis@epa.gov>; Holt, Aleah <Holt.Aleah@epa.gov>; Kerr, Julia <kerr.julia@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Ondish, Mindy <ondish.mindy@epa.gov>; Roe, Lindsay <Roe.Lindsay@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: Attn HB: FW: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

Hello HB:
For general awareness, EPA has just issued a big communications materials drop on dicamba associated with today's publication of a 2021 dicamba incident summary memo and two meeting notes documents. See the press statement below for details.

Shout-outs to Lydia and Sarah for dealing with round after round of edits on the meeting minutes, and to Emily for review throughout and pushing things through the dockets today. Great job team!

OPP's upper management has been holding calls today to announce the forthcoming drop to various major stakeholders. On the off-chance that you receive any questions about dicamba today or in the near future about this, please direct them to me. If someone simply wants to know where to find the new documents, here they are on regulations.gov : https://www.regulations.gov/search?filter=EPA-HQ-OPP-2020-0492&sortBy=postedDate&sortDirection=desc



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From: Hathaway, Margaret
Sent: Tuesday, December 21, 2021 3:21 PM
To: Pennington, Quinn <Pennington.Quinn@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Piper, Maya <Piper.Maya@epa.gov>
Subject: RE: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

Thank you Quinn! HB really appreciates all the hard work from your team that went into this effort.

- Meg

From: Pennington, Quinn <Pennington.Quinn@epa.gov>
Sent: Tuesday, December 21, 2021 3:14 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Cc: Piper, Maya <Piper.Maya@epa.gov>
Subject: FW: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

Dicamba is out! Congratulations, all.

Quinn Pennington *(they/them/theirs)*
Communications Branch
Office of Chemical Safety and Pollution Prevention

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From: U.S. EPA Office of Chemical Safety and Pollution Prevention <oppt.epa@public.govdelivery.com>
Sent: Tuesday, December 21, 2021 3:08 PM
To: Brinks, Olivia <Brinks.Olivia@epa.gov>
Subject: EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

EPA

Pesticide Update

EPA's Office of Chemical Safety and Pollution Prevention

EPA Releases Summary of Dicamba-Related Incident Reports from the 2021 Growing Season

Today, as part of the Biden-Harris administration's commitment to transparency and scientific integrity, the Agency is providing a summary of dicamba-related incident reports from the 2021 growing season obtained from pesticide registrants, States, the general public, and non-governmental organizations.

Dicamba is an herbicide used to control certain types of broadleaf weeds. Some dicamba products can be sprayed over-the-top of genetically engineered soybeans and cotton after the crops have emerged from the ground. This use has been subject to considerable controversy, including the 2020 vacatur of the Agency's 2018 dicamba registrations and the 2021 EPA Inspector General report on the 2018 dicamba decision, both of which noted the Agency's failure to fully disclose and address risks of which it was aware.

Despite the control measures implemented in EPA's October 2020 dicamba registration decision, the 2021 incident reports show little change in number, severity, or geographic extent of dicamba-related incidents when compared to the reports the Agency received before the 2020 control measures were required. EPA received approximately 3,500 dicamba-related incident reports from the 2021 growing season indicating that:

- More than one million acres of non-dicamba-tolerant soybean crops were allegedly damaged by off-target movement of dicamba;
- A range of non-target agricultural crops were allegedly affected by dicamba, such as sugarbeets, rice, sweet potatoes, peanuts, and grapes;

- Dicamba allegedly damaged non-agricultural plants and trees, such as those that grow near homes and in wild areas, including a 160,000-acre wildlife refuge; and
- More than 280 incident reports came from counties where additional restrictions are required to protect endangered species when dicamba is applied to dicamba-tolerant soybean and cotton crops.

Based on prior research and numerous stakeholder meetings, EPA has reason to believe the number of incidents reported significantly understates the actual number of incidents related to dicamba use. For example, in a 2020 memo, EPA estimated that one in 25 dicamba incidents was reported to EPA. No evidence available to EPA suggests that underreporting has changed.

Given the new information from the 2021 growing season, EPA is reviewing whether over-the-top dicamba can be used in a manner that does not pose unreasonable risks to non-target crops and other plants, or to listed species and their designated critical habitats. EPA is also evaluating all of its options for addressing future dicamba-related incidents. The regulatory tools that the Agency could use to address the extent and severity of the alleged dicamba-related incidents are unlikely to be fully implemented by the 2022 growing season due to the statutory processes the Agency is required to follow.

However, EPA is committed to helping states address issues related to incidents in their jurisdictions. If a state wishes to further restrict or narrow the over-the-top uses of dicamba, the Agency will work with them to support their goals. Additionally, due to the extent and severity of reported incidents from the 2021 growing season, EPA is unlikely to approve section 24(c) requests under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to register additional uses of federally registered over-the-top dicamba products to meet special local needs.

EPA's decisions will continue to be informed by information submitted by, as well as discussions with, scientists, academics, state agriculture extension agents, pesticide registrants, growers, the U.S. Department of Agriculture, the Association of American Pesticide Control Officials, and the State FIFRA Research and Evaluation Group. The Agency is committed to acting in a transparent manner, following well established regulatory processes, while upholding its mission of protecting human health and the environment.

To view the report and supporting documents, visit docket EPA-HQ-OPP-2020-0492 at www.regulations.gov.

Background on Dicamba

In 2017 and again in 2018, EPA amended the registrations of all over-the-top dicamba products following reports that growers had experienced crop damage and economic losses resulting from the off-site movement of dicamba. The U.S. Court of Appeals for the Ninth Circuit vacated the 2018 registrations in June 2020 on the basis that "EPA substantially understated risks that it acknowledged and failed entirely to acknowledge other risks." Days after the court's decision, EPA issued cancellation orders for the affected products that addressed existing stocks. An investigation by EPA's Office of the Inspector General later found that EPA's 2018 decision was influenced by political considerations and that senior management had changed career scientists' analyses and conclusions without documented reasons, resulting in risks not being fully addressed.

In October 2020, EPA issued new registrations for two dicamba products and extended the registration of an additional dicamba product. These registration decisions were made with some input of EPA's career scientists and managers, and were expected to address the risk concerns noted by the Ninth Circuit. All three registrations included new measures that the Agency expected would prevent off-target movement and damage to non-target crops and other plants.

Regulatory Process

Registrants can propose voluntary measures to amend their labels or cancel specific products or uses.

If EPA determines, following consideration of such a proposal, that such measures would address unreasonable adverse effects associated with the product or use, the Agency commits to conducting a public comment period prior to the adoption of any proposed decision designed to address the extent and severity of these incidents. In the absence of a voluntary request to cancel the product(s), it is unlikely that this process could occur and be fully implemented before the 2022 growing season. For more information see: https://www.epa.gov/pesticide-registration/voluntary-cancellation-pesticide-product-or-use.

If EPA determines that it is necessary to initiate cancellation of a registration for a pesticide, the following process is used: https://www.epa.gov/pesticide-tolerances/pesticide-cancellation-under-epas-own-initiative.

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This email was sent to brinks.olivia@epa.gov using GovDelivery Communications Cloud on behalf of: U.S. EPA Office of Chemical Safety and Pollution Prevention · 707 17th St, Suite 4000 · Denver, CO 80202 · 1-800-439-1420

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