Message

From: Garrison, Scott [Garrison.Scott@epa.gov]
Sent: 10/16/2019 5:29:10 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Davis, Donna [Davis.Donna@epa.gov]; Chiu, Enid [Chiu.Enid@epa.gov]
Subject: RE: OPP: DTN - Questions on 24(c) for EPA

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

Ok by me.

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, October 16, 2019 1:06 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Davis, Donna <Davis.Donna@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: Re: OPP: DTN - Questions on 24(c) for EPA

Ok with me.

Sent from my iPhone

On Oct 16, 2019, at 1:01 PM, Siedschlag, Gregory <Siedschlag.Gregory@epa.gov> wrote:

> Looping in the correct Davis.
>
> **Greg Siedschlag**
> Chief, Communication Services Branch
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> Phone: (703) 603-9044
> Cell: (571) 319-7949
> https://www.epa.gov/pesticides
>
> **From:** Siedschlag, Gregory
> **Sent:** Wednesday, October 16, 2019 1:01 PM
> **To:** Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Davis, Nikki <Davis.Nikki@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>
> **Cc:** Chiu, Enid <Chiu.Enid@epa.gov>
> **Subject:** FW: OPP: DTN - Questions on 24(c) for EPA
>
> Hi everyone,

See below. We don't see a problem here, but let us know by 2 p.m. if you do.

Thanks,

Greg Siedschlag
Chief, Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 603-9044
Cell: (571) 319-7949
https://www.epa.gov/pesticides

From: Daguillard, Robert <Daguillard.Robert@epa.gov>
Sent: Wednesday, October 16, 2019 12:22 PM
To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Evans, Elizabeth <Evans.Elizabeth@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: RE: OPP: DTN - Questions on 24(c) for EPA

Greg, OPA is suggesting the following instead. How do you see it?

Ex. 5 Deliberative Process (DP)

Cheers, R.

Robert Daguillard
Communications Officer (Detail)
Office of Chemical Safety
and Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC
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+1 (202) 360-0476 (M)

From: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Sent: Wednesday, October 16, 2019 9:15 AM
To: Daguillard, Robert <Daguillard.Robert@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Evans, Elizabeth <Evans.Elizabeth@epa.gov>; Naimy, Nina <Naimy.Nina@epa.gov>; Chiu, Enid <Chiu.Enid@epa.gov>
Subject: FW: OPP: DTN - Questions on 24(c) for EPA
Importance: High

Hi Robert,

See below for our response to this inquiry. This was reviewed by Rick, RD (Mike Goodis, Dan Rosenblatt, Dan Kenny) and OGC (Scott Garrison). Thanks!

Media Outlet: DTN Progressive Farmer
Reporter: Emily Unglesbee
Deadline: COB Wednesday (10/16)

Incoming

1. Has there been any movement on EPA's June 2019 decision to reevaluate the use of 24(c) to create label restrictions by states on pesticides? https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations Is EPA going to make an actual policy proposal on this and hold a public comment period? If so, will it be in time for states to know how to proceed in 2020 with certain pesticide labels, such as dicamba? Has EPA provided any guidance to state regulators on how to proceed with 24(c) labels in 2020?

2. Illinois just submitted a new 24(c) with a temperature and date cut-off for dicamba herbicides for 2020 -- will these be permitted in 2020 by EPA? Are they legal? How does the agency's above-mentioned re-evaluation of 24(c) label restrictions affect Illinois's proposed dicamba restrictions?

3. Has EPA received input from the manufacturers of dicamba herbicides, namely Bayer and BASF, regarding its re-evaluation of 24(c) label restrictions? Has the agency received input from regulators (AAPCO)? Scientists?

4. Given that several states (Illinois, Indiana) are reporting record off-target dicamba injury from the 2019 growing season and other states (Arkansas, Nebraska) are reporting injury levels near or at the same level as 2018, will EPA be re-evaluating or making any changes to the current federal labels for dicamba herbicides XtendiMax, FeXapan and Engenia before the 2020 growing season? Or is the agency going to let the labels stand, unchanged, until their two-year registrations are up in the winter of 2020?"

Draft Response

Ex. 5 Deliberative Process (DP)

Greg Siedschlag
Chief, Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
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From: Daguillard, Robert <Daguillard.Robert@epa.gov>
Sent: Tuesday, October 15, 2019 12:45 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>
Cc: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: Re: OPP: DTN - Questions on 24(c) for EPA

Thanks, Enid. Extra question from the reporter:

"And sorry, can I add another question? I understand if it adds to the time to respond. Here it is:

Given that several states (Illinois, Indiana) are reporting record off-target dicamba injury from the 2019 growing season and other states (Arkansas, Nebraska) are reporting injury levels near or at the same level as 2018, will EPA be re-evaluating or making any changes to the current federal labels for dicamba herbicides XtendiMax, FeXapan and Engenia before the 2020 growing season? Or is the agency going to let the labels stand, unchanged, until their two-year registrations are up in the winter of 2020?"

Robert Daguillard
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On Oct 15, 2019, at 7:47 AM, Chiu, Enid <Chiu.Enid@epa.gov> wrote:

> I'll work with RD on this and get back to you. Thanks.
>
> --
> **Enid Chiu**
> Communications Specialist
> Office of Pesticide Programs
> U.S. Environmental Protection Agency
> (703) 347-8262 | chiu.enid@epa.gov
> https://www.epa.gov/pesticides
>
> ---
>
> **From:** Daguillard, Robert <Daguillard.Robert@epa.gov>
> **Sent:** Monday, October 14, 2019 6:55 PM
> **To:** OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
> **Cc:** Han, Kaythi <Han.Kaythi@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>
> **Subject:** OPP: DTN - Questions on 24(c) for EPA
>
> **DTN**
> **EMILY UNGLESBEE**
> **DDL 10/16 COB**
>
> Hullo everyone,
>
> Should we send a slightly modified version of our response from last week?
>
> **Robert Daguillard**
> **Communications Officer (Detail)**
> **Office of Chemical Safety**
> **and Pollution Prevention**
> **U.S. Environmental Protection Agency**
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Robert,

DTN has some questions for EPA officials regarding the status of Section 24(c) of FIFRA and proposed 2020 24(c) labels for dicamba herbicides.

1. Has there been any movement on EPA's June 2019 decision to reevaluate the use of 24(c) to create label restrictions by states on pesticides? https://www.epa.gov/pesticide-registration/guidance-fifra-24c-registrations Is EPA going to make an actual policy proposal on this and hold a public comment period? If so, will it be in time for states to know how to proceed in 2020 with certain pesticide labels, such as dicamba? Has EPA provided any guidance to state regulators on how to proceed with 24(c) labels in 2020?

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3. Has EPA received input from the manufacturers of dicamba herbicides, namely Bayer and BASF, regarding its re-evaluation of 24(c) label restrictions? Has the agency received input from regulators (AAPCO)? Scientists?

Deadline: Thursday morning, if possible. Thanks!

Emily Unglesbee

Staff Reporter, DTN/The Progressive Farmer

DTN

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