Message

From: Chiu, Enid [Chiu.Enid@epa.gov]
Sent: 3/20/2019 7:53:59 PM
To: Perlis, Robert [Perlis.Robert@epa.gov]; Davis, Kable [Davis.Kable@epa.gov]; Maignan, Tawanda [Maignan.Tawanda@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Press inquiry - 24(c) questions

Thanks for your comments Bob. I think your changes make sense and are clear.

Any additional comments from MUERB or HB before it moves forward for review?

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Enid Chiu
Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-8262 | chiu.enid@epa.gov
https://www.epa.gov/pesticides

From: Perlis, Robert
Sent: Wednesday, March 20, 2019 3:46 PM
To: Chiu, Enid <Chiu.Enid@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Press inquiry - 24(c) questions

Some suggested changes below (in red). Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP) Happy to discuss further if people would like.

Bob

Bob Perlis
Pesticides and Toxic Substances Law Office
Office of General Counsel
US EPA
(202) 564-5636

From: Chiu, Enid
Sent: Wednesday, March 20, 2019 2:57 PM
To: Davis, Kable <Davis.Kable@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Press inquiry - 24(c) questions
Importance: High

Hi everyone,

For your review: draft response to the 24(c) press inquiry, based on conversations with RD. Please respond by 10am tomorrow (3/21).

Bob – We need your input, particularly for #2 and #1. Let me know if you would like to discuss further. Thanks!

Some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-

off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

1. **Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?**

Ex. 5 Deliberative Process (DP)

2. **Does EPA think states are restricting dicamba use by 24(c) unnecessarily?**

Ex. 5 Deliberative Process (DP)

3. **If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for us in the state at all?**

Ex. 5 Deliberative Process (DP)

4. **What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?**

Ex. 5 Deliberative Process (DP)

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From: Chiu, Enid
Sent: Wednesday, March 20, 2019 12:27 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Davis, Kable <Davis.Kable@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: Press inquiry - 24(c) questions
Importance: High

FYI – We have a press inquiry on 24(c) as it relates to dicamba. It was sent in response to the new statement on the 24(c) website. The story will publish tomorrow.

I plan to work with HB first to draft a response, then send to MUERB for input, then OGC. Just wanted to give everyone a heads up. Thanks--

–
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From: Daguillard, Robert
Sent: Wednesday, March 20, 2019 12:01 PM
To: Strauss, Linda <Strauss.Linda@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Sisco, Debby <Sisco.Debby@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: LINDA/OPP: DTN - 24(c) questions

DTN
EMILY UNGLESBEE
DDL COB.

Good morning team,

Let me know if you need anything else.

Cheers, R.

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Hi Robert, some questions for EPA, in light of this recent statement: "Due to the fact that section 24(a) allows states to regulate the use of any federally registered pesticide, and the fact that some states have instead used 24(c) to implement cut-off dates (and/or impose other restrictions), EPA is now re-evaluating its approach to reviewing 24(c) requests and the circumstances under which it will exercise its authority to disapprove those requests. Before making any changes in this regard, EPA intends to take public comment on any potential new approaches before adopting them."

1. Why is EPA suddenly concerned about states using 24(c) to restrict federal labels? Is this a new phenomenon directly related to the 2016 and 2018 dicamba labels? What percentage of those annual 300 24(c) applications were more restrictive than federal labels before 2016? And then after 2016?
2. Does EPA think states are restricting dicamba use by 24(c) unnecessarily?
3. If this use of 24(c) is no longer permitted, will states have any other options to restrict pesticide use in their state, other than simply not registering a pesticide for us in the state at all?
4. What role have dicamba manufacturers played in this re-evaluation of 24(c) restrictions in states? Has EPA received requests from BASF, Bayer (Monsanto) or Corteva to limit state use of 24(c)?

Story will be published tomorrow. Thanks.

Emily Unglesbee
Staff Reporter, DTN/The Progressive Farmer

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