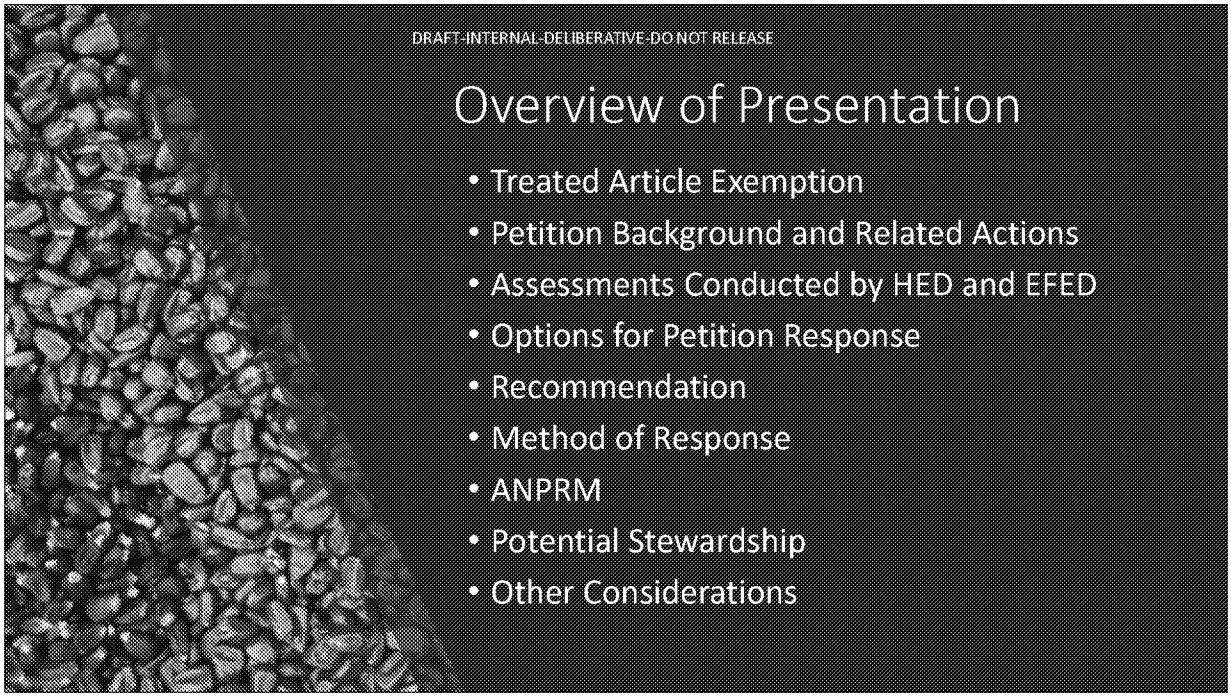
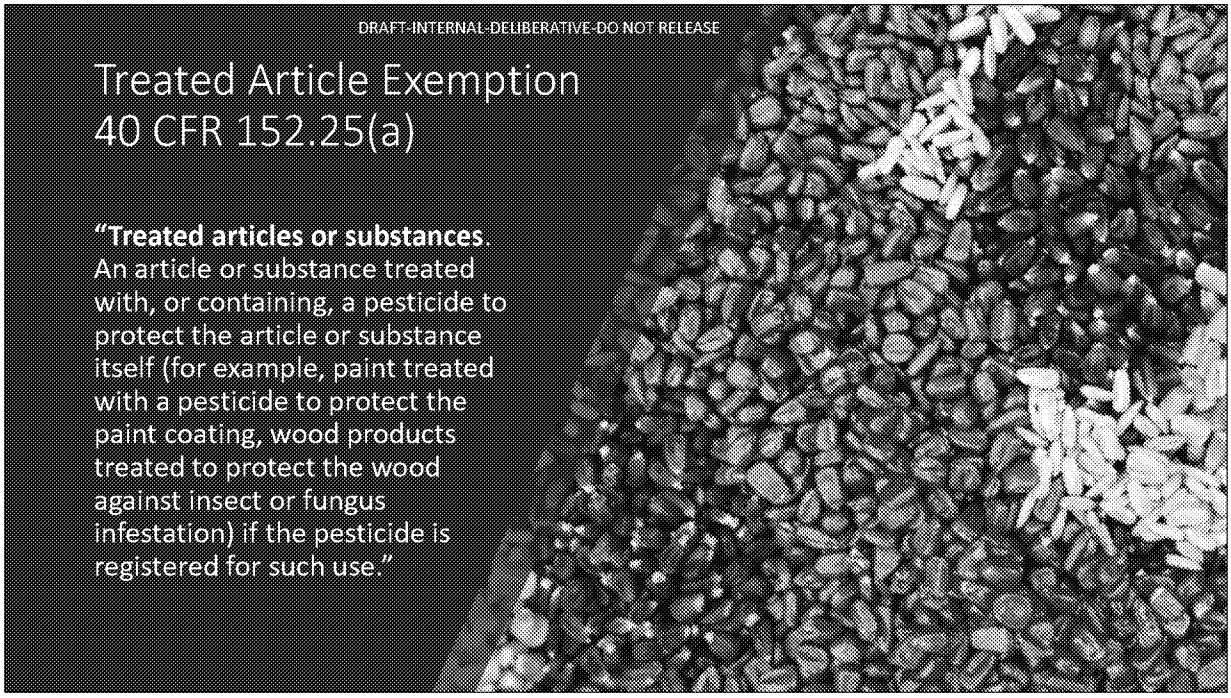
Picture: https://www.harrisseeds.com/blogs/from-the-ground-up/guide-to-seed-treatments


DRAFT-INTERNAL-DELIBERATIVE-DO NOT RELEASE
Overview of Presentation
• Treated Article Exemption
• Petition Background and Related Actions
• Assessments Conducted by HED and EFED
• Options for Petition Response
• Recommendation
• Method of Response
• ANPRM
• Potential Stewardship
• Other Considerations



Talking Points:

The treated article exemption was initially published in 1988.

Petition Background and Related Actions

- April 2017 – EPA received a petition filed by the Center for Food Safety (CFS) with and on behalf of beekeeper, farmer, and public interest groups.
- September 2020 – A similar treated seed petition from NRDC under review at California DPR
  - October 2020 – Initial response stated that seeds treated with systemic pesticides are still considered exempt from registration
  - Currently taking public comments to inform future direction
- New York is developing legislation for neonics and treated seeds

Talking points:

Deliberative Process / Ex. 5

Assessments: HED

Assessments would not be changed if treated seeds are registered.

Seed Treatment			
		What is assessed?	
		Food Use	Non Food Use
Dietary (Food and Drinking Water)		Dietary exposure from seed treatment	No dietary exposure
		Set tolerance	No tolerance set
Occupational	Handler (Food Use and Non Food Use)	Commercial Seed Treatment: Treater, Bagger, Sewer, Multiple activities On-Farm Seed Treatment: Treater Loader/Planter of Treated Seed	
		HED ExpoSAC Policies 14 (unit exposures) and Policy 15.2 (amt seed treated/planted per day)	
	Post-App	NA	

Deliberative Process / Ex. 5

Assessments: EFED

Assessments would not be changed if treated seeds are registered.

Seed Treatment		
	What is assessed?	
	Aquatic	Terrestrial
Ecological Exposure	Invertebrates	Pollinators
	Fish	Mammals
	Plants	Birds
Environmental Loading	Runoff into surface waters Abrasion of seed coating recognized as potential exposure route but not assessed	
Drinking Water Exposure	Drinking water assessed in support of human health dietary assessment, but not assessed for ecological risk	

Talking Points:

Deliberative Process / Ex. 5

Talking points:

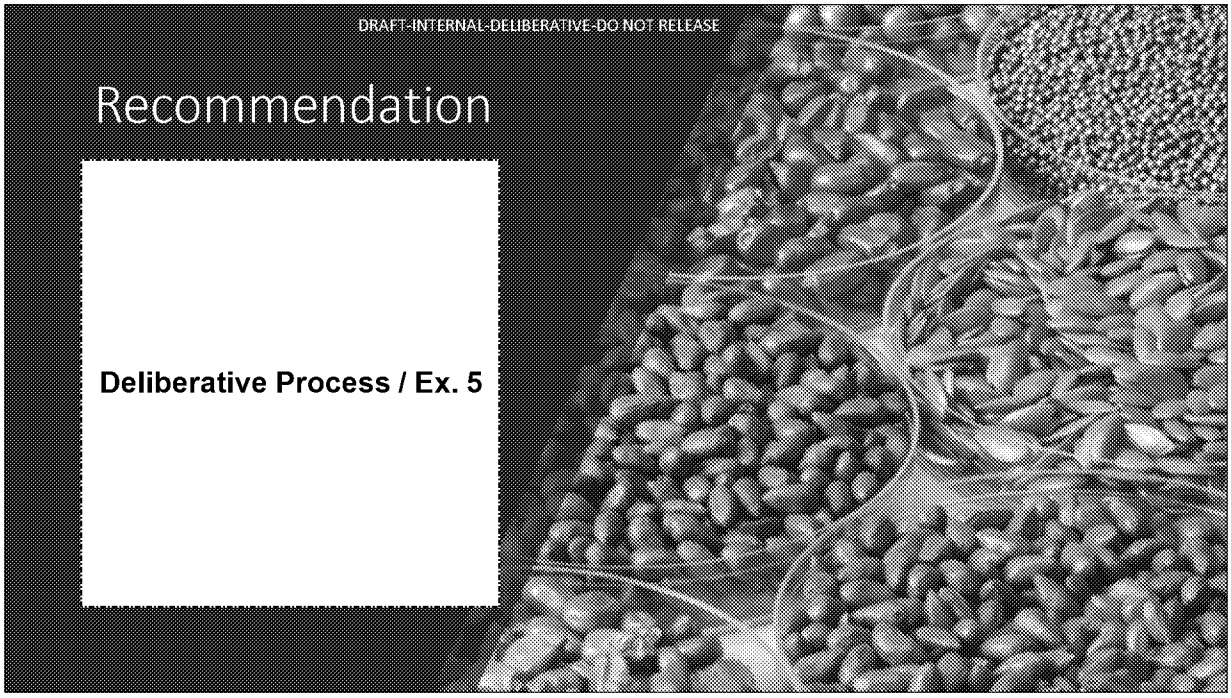
Deliberative Process / Ex. 5

Options for Petition Response

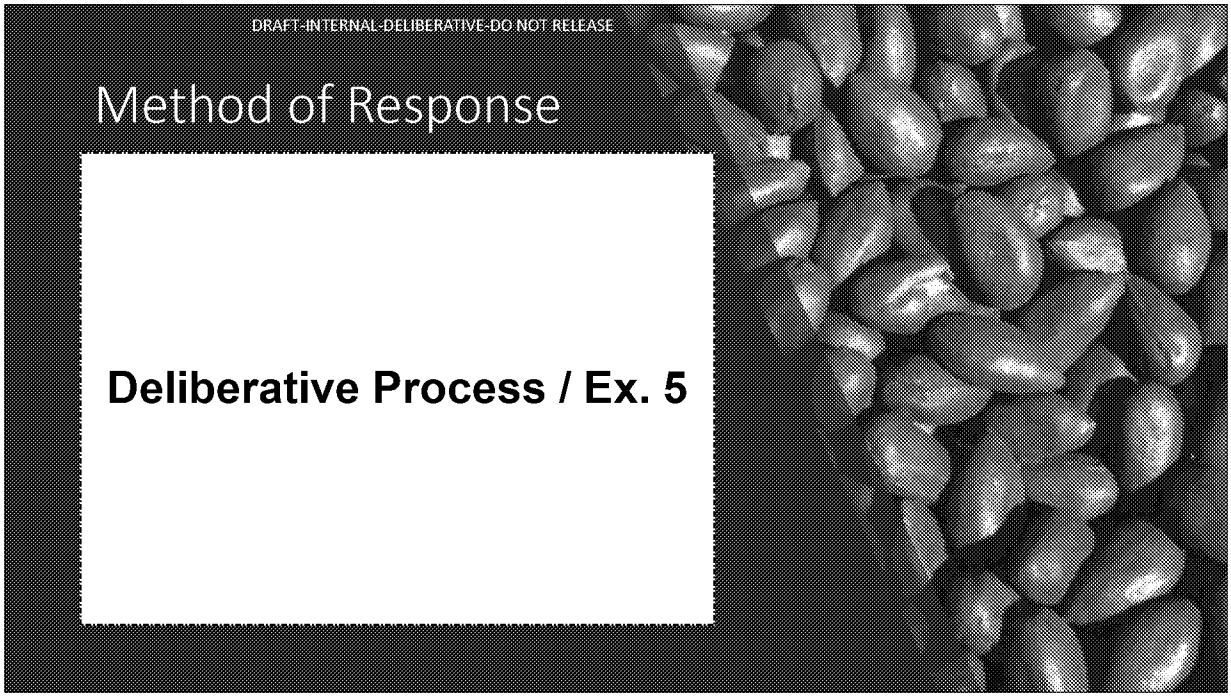
Deliberative Process / Ex. 5

Talking points:

Deliberative Process / Ex. 5

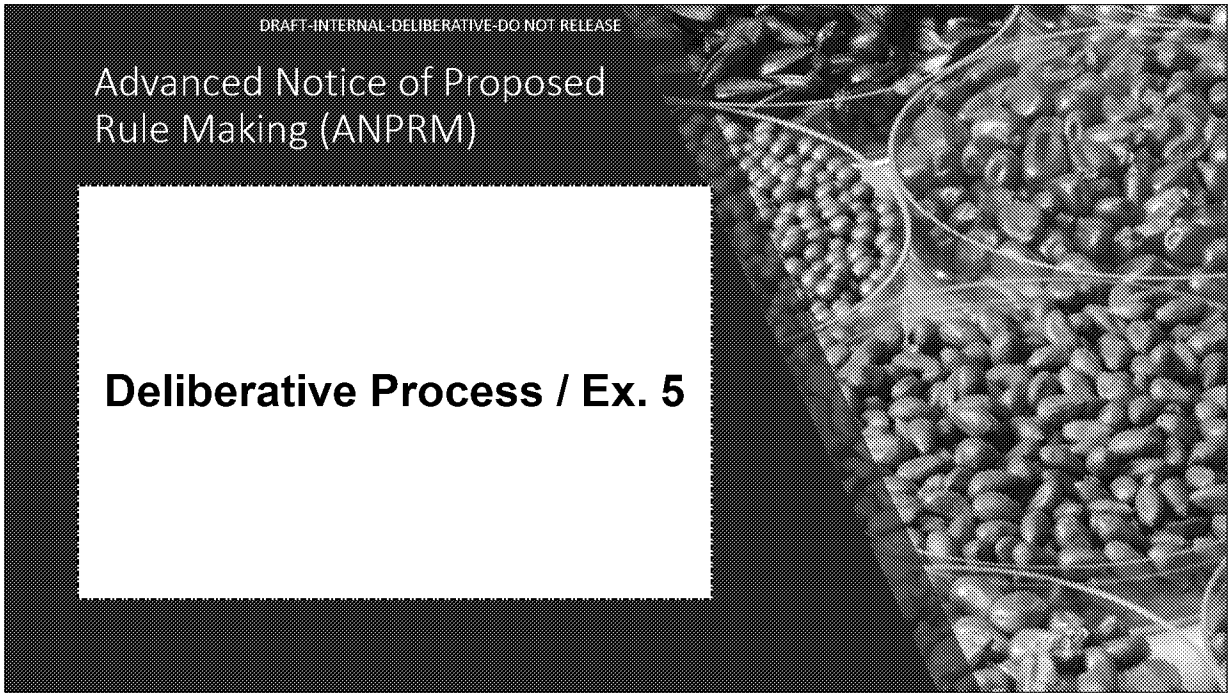


Deliberative Process / Ex. 5

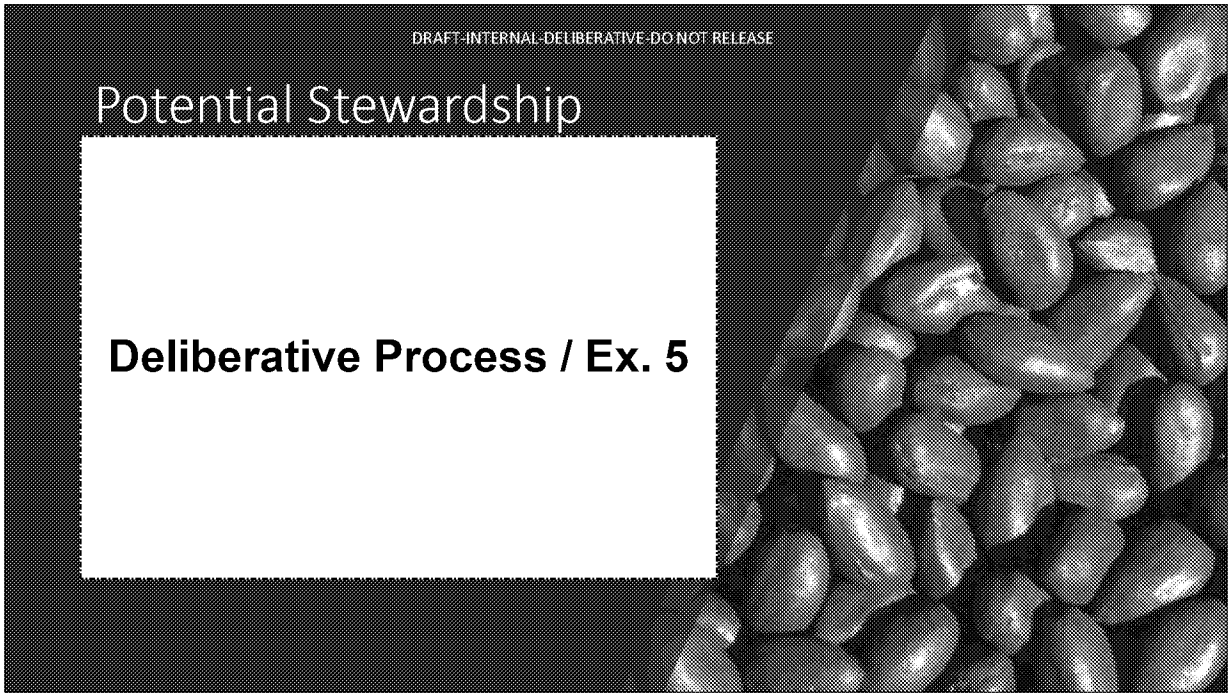


Talking Points:

Deliberative Process / Ex. 5

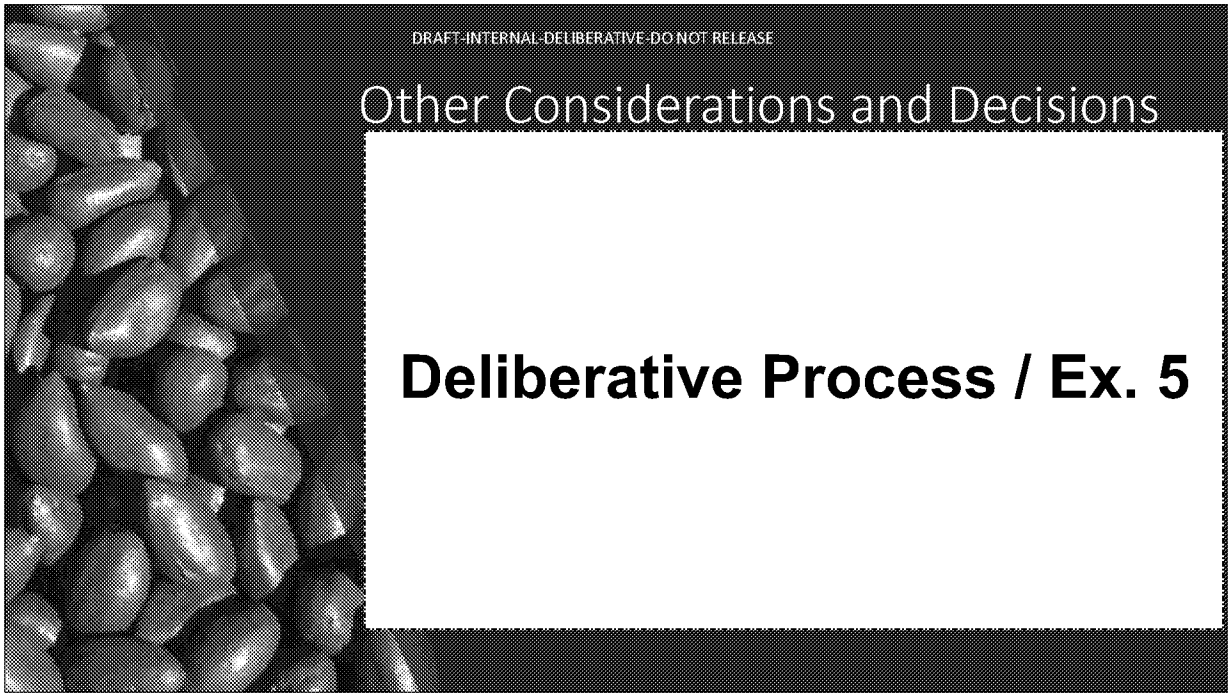


Deliberative Process / Ex. 5



Talking Points:

Deliberative Process / Ex. 5



Talking Points:

Deliberative Process / Ex. 5

DRAFT-INTERNAL DELIBERATIVE/PRIVILEGED-NOT RELEASE

Questions?

Appendix A: Regulatory History of Treated Articles

- 1988 – "Treated Article Exemption" – Section 152.25(a) is published and defines qualifying articles as:
  - the incorporated pesticide is registered for use in or on the article or substance, and;
  - the sole purpose of the treatment is to protect the article or substance itself.
- 2000 – PRN 2000-1: Applicability of the Treated Articles Exemption to Antimicrobial Pesticides
- 2000 – "*Harmonization of Treated Seed Policies and Requirements in Canada and the United States*"
  - Clarifies that the exemption to treated seeds only: "for the protection of the [seed] itself means that the pesticidal protection imparted to the treated seed does not extend beyond the seed itself."

Talking Points:

Deliberative Process / Ex. 5

Appendix B: Existing Label Example

ACCEPTED

09/20/2019

Under the Federal Insecticide, Fungicide and Rodenticide Act as amended, for the pesticide registered under EPA Reg. No. 42750-353

Thiophanate-methyl	GROUP	1	FUNGICIDE
Metalaxyl	GROUP	4	FUNGICIDE
Fludioxonil	GROUP	12	FUNGICIDE
Imidacloprid	GROUP	4A	INSECTICIDE

ST PRE-MIX #11

For use as a seed treatment to protect seed and seedlings of listed legume vegetables (including soybeans) against listed insect and disease pests

ACTIVE INGREDIENTS:

Imidacloprid	20.17%
Metalaxyl	5.05%
Thiophanate-Methyl	3.28%
Fludioxonil	0.81%
OTHER INGREDIENTS:	70.69%
TOTAL:	100.00%

Contains 1.60 pounds active ingredient of Imidacloprid, 0.48 pounds metalaxyl, 0.31 pounds thiophanate-methyl, and 0.08 pounds fludioxonil per gallon.