Message

From: Raichel, Dan [draichel@nrdc.org]
Sent: 3/10/2021 6:32:06 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Reaves, Elissa [Reaves.Elissa@epa.gov]; Pease, Anita [Pease.Anita@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
CC: jsass@nrdc.org; Rhoads, Lucas [lrhoads@nrdc.org]; Colangelo, Aaron [acolangelo@nrdc.org]
Subject: Thank You and Follow Up on 3/5 NRDC Meeting
Attachments: Petition to DPR to Regulate Seeds Treated with Neonicotinoids and Other Systemic Insecticides with Attachments 9.23.20.pdf; Request for Reconisderation of Insecticide Treated Seed Petition 12.22.20.pdf; Appendix for Request for Reconsideration of Neonic Treated Seed Petition 12.22.20.pdf; Decision on Treated Seeds Petition FINAL.pdf; Decision on Treated Seeds Reconsideration 012121.pdf; Response to Treated Seeds Petition to NRDC.pdf; Response to Treated Seeds Reconsideration 012121.pdf

Dear Ed and all,

It was a pleasure speaking with you all last Friday. Thank you for taking the time.

Following up on your question about concrete mitigation/steps re: neonicotinoids, we've provided some bullets below. As promised, we've also provided some links to and attachments with additional resources—which include our petition to California's Department of Pesticide Regulation (DPR) regarding neonic-treated seeds.

Lastly, we had some additional questions and comments about non-neonic pesticides, but weren't able to ask them on our call. Apologies for the long email, but they are at the bottom, and any answers you all can provide would be greatly appreciated.

Thank you again for your time. We look forward to continuing the conversation and working together to find solutions.

Best,
Dan

Concrete Next Steps on Neonics:

- **Prohibit high cost, low benefit uses of neonics** – Neonics' considerable insect-toxicity combined with their persistence and mobility renders most time, place, and manner restrictions ineffective. Effective mitigation requires reducing both the amount of neonics used as well as the land area over which they are applied. Luckily, research—such as Cornell University's recent review of over 1,100 peer-reviewed studies ("Cornell Report")—reveals that the vast majority of neonics entering the environment come from uses that provide little-to-no benefits to users or are easily replaced with safer alternatives. Chief among these are neonic-treated corn, soybean, and wheat seeds, as well as turf, ornamental, and other cosmetic uses. Legislation in New York and New Jersey have targeted these high-environmental-cost, low-to-no benefit uses for permanent prohibitions. Put another way, the risks and harms caused by these uses are unreasonable, and the uses should be prohibited in accordance with FIFRA.

- **Mitigate or ban neonic uses that present Tier 1 risks to pollinators.** The vast majority of the U.S.'s 4,000 native bee species (not to mention other pollinators) are solitary and do not form colonies. Accordingly, mitigation for colony-level risks only fails to protect these native insects critical to agriculture and ecosystems. At minimum, EPA should provide concrete, enforceable mitigation for all identified Tier I risks, as they are a better proxy for risks faced by most bees and other pollinators.

- **Assess neonics' human health risks cumulatively and apply the FQPA 10x safety factor.** Half the U.S. population is regularly exposed to neonics, and research links neonics with neurodevelopmental and

reproductive harms in people and/or other mammals (see Jen Sass's summary blog here). As outlined in our tolerance petition, EPA must assess the human health risks of all neonics cumulatively and apply the 10x child safety factor.

- **Identify concrete, enforceable mitigation for all EPA-identified risks of concern—not advisory label language.** EPA's "ornamental advisory" for residential users of neonics, included in the neonic PIDs, is a prime example of unsubstantiated and ineffective mitigation. EPA should provide concrete, enforceable mitigation for all identified risks of concern.

- **Register and regulate seeds treated with neonics and other systemic pesticides** – Neonic-treated seeds are the single largest, most widespread, and most damaging use of neonics in the U.S., and they are also among the least justified given their demonstrated lack of benefit in the Northeast and Upper Midwest. NRDC recently petitioned California DPR to regulate neonic-treated seeds—in which we outlined how these seeds' clear pesticidal intent and effect (demonstrated in industry advertising materials) make them ineligible for classification as exempt pesticide "treated articles." The same arguments apply equally to EPA's treated article exemption for these seeds. Accordingly, EPA can and should repeal the exemption, and register and regulate seeds treated with neonics and other systemic pesticides under FIFRA.

Additional Resources:

- Cornell's cost-benefit analysis of neonicotinoid pesticides, which identifies seed treatment and ornamental uses of neonics as particularly harmful to pollinators.
- Jen Sass's blog summarizing the recent science related to neonics' human health impacts.
- NRDC's blogs regarding overarching issues with the registration review process: Part 1 and Part 2
- Minnesota DNR's 2021 study showing widespread neonic exposure in deer.
- NRDC's petition to the California DPR to regulate treated seeds (explanatory blog here)—along with DPR's response letters and NRDC's request for reconsideration with appendix (Attached). The Petition was supported by this report from Dr. Pierre Mineau.
- A recent study finding substantial impacts of neonic-treated crops on reproduction and nesting in ground-nesting bees.

Additional Questions/Comments on Other Pesticides:

How will EPA proceed with cancellation of all food tolerances for chlorpyrifos? And how would EPA address risks to workers from non-food uses with excessive occupational risks, such as greenhouses and Xmas trees?

When will EPA prioritize the completion of registration of the remaining organophosphates (OPs), and finalize the health risk assessments? There are about 2 dozen OPs still on the market, and about a dozen with significant uses. EPA prioritized the OPs because they are neurotoxic, and damage children's brains at low doses. These have been out for years, but not finalized. EPA should immediately prioritize mitigation for uses already determined to pose unacceptable harm. EPA should place no-spray zones (mitigation for drift) around schools, homes, etc. Although EPA has a practice of requiring action as it identifies unacceptable harm, in the case of OPs nothing has been done to protect workers, wildlife, waterways, etc.

Will EPA commit to using the EPA IRIS evaluation of ethylene oxide? The proposed alternative, doing an end run around the IRIS program, weakening the cancer risk estimate using a model from Texas TCEQ (not published, not peer reviewed), and disregarding female breast cancer will weaken OPP's risk estimates, and put farmworkers and fenceline and EJ communities at grave risk.

Please share your thoughts on our concerns regarding the recent approval of streptomycin:

- This approval came after several years of emergency approvals for streptomycin.

- We know that putting more antibiotics into the environment contributes to the global antibiotic resistance crisis; workers are at greatest risk, and it's not clear that the PPE included in the approval will be sufficient to guard against the spread of antibiotic resistance.
- There isn't strong evidence that the approved uses are effective at controlling citrus greening – the benefits don't outweigh the risks.

DANIEL RAICHEL
Staff Attorney, Wildlife
Nature Program

NATURAL RESOURCES DEFENSE COUNCIL

C 773.319.6376
DRAICHEL@NRDC.ORG
NRDC.ORG

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