Message

From: Matuszko, Jan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=94EEFC2788084D73A97CAF80D30A0E24-JMATUSZK]
Sent: 5/27/2021 4:50:53 PM
To: Anderson, Brian [Anderson.Brian@epa.gov]
Subject: RE: RICK REVIEW: Press inquiry on treated seeds

I defer to you. Just send to the folks on the original string and include goodis.

From: Anderson, Brian <Anderson.Brian@epa.gov>
Sent: Thursday, May 27, 2021 12:34 PM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: RE: RICK REVIEW: Press inquiry on treated seeds

I'll make edits directly to the responses where appropriate (I'm getting some input from Mark on the USGS/monitoring question). Want me to send a revision to you, or do you want me to just send edits straight to someone else?

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Thursday, May 27, 2021 10:09 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>
Subject: FW: RICK REVIEW: Press inquiry on treated seeds
Importance: High

Hi Brian,

Can you help with this? It needs to resolved today. Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Jan

From: Overbey, Dian <Overbey.Dian@epa.gov>
Sent: Thursday, May 27, 2021 9:19 AM
To: Jones, Ricardo <Jones.Ricardo@epa.gov>; Arrington, Linda <Arrington.Linda@epa.gov>; Olinger, Christine <Olinger.Christine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Friedman, Dana <Friedman.Dana@epa.gov>; Housenger, Justin <Housenger.Justin@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Colby, Deanna <colby.deanna@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Mroz, Ryan <Mroz.Ryan@epa.gov>
Cc: Brinks, Olivia <Brinks.Olivia@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: FW: RICK REVIEW: Press inquiry on treated seeds
Importance: High

Hi All,

Here are Rick's comments on our proposed response on treated seed. We need to work to get these issues resolved today. I'll try to address what I can, but that may not be very much. Please send me anything you have that might be helpful in addressing Rick's points.

Does anyone know who has been involved in the conversations with Region 7? That's important to know. Or does anyone has a contact in Region 7 that may be involved in this issue?

Dian

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Thursday, May 27, 2021 8:05 AM
To: Overbey, Dian <Overbey.Dian@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: FW: RICK REVIEW: Press inquiry on treated seeds
Importance: High

Hi Dian and Carissa,

Can you help to address Rick's comments today?

Thanks,
Shamus

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Thursday, May 27, 2021 7:33 AM
To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: FW: RICK REVIEW: Press inquiry on treated seeds

See thoughts from Rick below.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Thursday, May 27, 2021 7:31 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Subject: RE: RICK REVIEW: Press inquiry on treated seeds

Thanks Cheryl. I have a lot of thoughts on this one:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [redacted]

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- I don't agree with the response to #11. I am not aware of anything procedurally, legally, or regulatorily that dictates that we have to complete the neonic registration review before we respond to the petition. See also my response to #10.

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Thursday, May 27, 2021 7:09 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RICK REVIEW: Press inquiry on treated seeds

Hi Rick – see the responses to this inquiry on treated seeds below. It looks good to me but I wanted to get your take. I didn't know if there were any issues/sensitivities around treated seeds to take into consideration with this one. Thanks.

INCOMING:

Here at DTN we are working on a series of stories on the environmental crisis unfolding in Mead, Nebraska due to mismanagement of discarded treated seed. One part of the coverage will focus on what is happening specifically at AltEn in Mead. Another part will take a broader look at the use of treated seed in the agricultural industry over the past 10 to 15 years. We have several questions for EPA. Our deadlines are shifting, and I know these are a lot of questions, but if we could get responses by the end of this week or early next week, that would be very much appreciated. Thanks!

1. **NDEE has said EPA is involved now in the Mead situation. What exactly is EPA's role in the cleanup? Is the agency considering designating AltEn has a Superfund site?**

   Deliberative Process / Ex. 5

2. **Seed treatments fall under the treated article exemption in FIFRA. How exactly are pesticides used in seed treatments tracked, monitored or managed differently by EPA (as opposed to foliar-applied pesticides) as a result? (RD)**

   Deliberative Process / Ex. 5

3. **Does the treated article exemption continue to apply for EPA when the pesticides in the treated seed were concentrated in both the water and the solid waste produced at AltEn? Does EPA still maintain this situation falls under the treated seed exemption?**

   Deliberative Process / Ex. 5

4. **Does EPA have any information on how much treated seed is discarded each year by industry? Does EPA have any data or research on how pesticide-coated seed can be disposed of safely?**

   Deliberative Process / Ex. 5

5. **Does EPA know where all the seed industry's discarded treated seed goes – to what facilities and in what amounts? Is there any federal monitoring of amounts of discarded pesticide-coated seed (like the huge amounts going to AltEn) or any monitoring of water and soils near facilities that dispose of treated seed?**

   [OLEM to provide.]

6. **Does EPA know how much pesticides (both insecticides and fungicides) are applied each year via seed treatment? If not, how can the agency correctly produce risk assessments for human health and the environment for seed treatment active ingredient registrations, such as the recent reviews of neonicotinoids?**

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7. **Do EPA's risk assessments for the fungicides and insecticides found on treated seed consider the acute and chronic risks to humans and the environment from treated seed disposal methods? Do they consider the possibility of large accumulations of treated seed in landfills and other disposal facilities?**

Deliberative Process / Ex. 5

8. **Is EPA aware of the growing research, including some from USGS scientists, on how frequently neonicotinoids are found in American waterways? Was this data used in EPA's most recent registration reviews of neonicotinoids? Does EPA know what this level of regular human exposure to neonicotinoids means for human health?**
9. **Is EPA doing any research on how frequently fungicide seed treatments might be found or persisting in American waterways and soil? Does EPA have any data on how regular exposure to these active ingredients might mean for human health?**

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Deliberative Process / Ex. 5

10. **Will EPA reconsider the treated article exemption for treated seed, in light of the situation in Mead, Nebraska, the growing data on neonicotinoids found in water, and the continued lack of data on how much pesticides are applied via seed treatments? Or will seed treatments continue to be exempted from full EPA regulation?**

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11. **What is the status of a petition for EPA to more fully regulate treated seed, submitted in 2017? (https://www.epa.gov/petitions/petition-regulate-coated-seeds-under-fifra)**

Deliberative Process / Ex. 5

From: Labbe, Ken <Labbe.Ken@epa.gov>
Sent: Monday, May 17, 2021 11:12 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; OPS CSID CB <OPS_CSID_CB@epa.gov>; Taylor, Trish <Taylor.Trish@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>
Cc: Harwood, Jackie <Harwood.Jackie@epa.gov>
Subject: FW: Questions on Treated Seed for EPA

Hi all,

Please see inquiry below. Deadline is a bit flexible end of this week or early next week.

Thanks,

Ken

From: Emily Unglesbee <Emily.Unglesbee@dtn.com>
Sent: Monday, May 17, 2021 11:05 AM
To: Labbe, Ken <Labbe.Ken@epa.gov>
Cc: Press <Press@epa.gov>
Subject: RE: Questions on Treated Seed for EPA

Well it's a big series, with many ongoing interviews, so the deadlines aren't clear. But, as I noted, responses by the end of this week or early next week would be soon enough for us to include them in our stories.

Emily Unglesbee
DTN Staff Reporter

From: Labbe, Ken <Labbe.Ken@epa.gov>
Sent: Monday, May 17, 2021 10:59 AM
To: Emily Unglesbee <Emily.Unglesbee@dtn.com>
Cc: Press <Press@epa.gov>
Subject: RE: Questions on Treated Seed for EPA

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Emily,

What's your deadline please?

From: Emily Unglesbee <Emily.Unglesbee@dtn.com>
Sent: Monday, May 17, 2021 10:55 AM
To: Labbe, Ken <Labbe.Ken@epa.gov>
Subject: Questions on Treated Seed for EPA

Hi Ken,

Here at DTN we are working on a series of stories on the environmental crisis unfolding in Mead, Nebraska due to mismanagement of discarded treated seed. One part of the coverage will focus on what is happening specifically at AltEn in Mead. Another part will take a broader look at the use of treated seed in the agricultural industry over the past 10 to 15 years. We have several questions for EPA. Our deadlines are shifting, and I know these are a lot of questions, but if we could get responses by the end of this week or early next week, that would be very much appreciated. Thanks!

Questions:

-NDEE has said EPA is involved now in the Mead situation. What exactly is EPA's role in the cleanup? Is the agency considering designating AltEn has a Superfund site?

-Seed treatments fall under the treated article exemption in FIFRA. How exactly are pesticides used in seed treatments tracked, monitored or managed differently by EPA (as opposed to foliar-applied pesticides) as a result?

-Does the treated article exemption continue to apply for EPA when the pesticides in the treated seed were concentrated in both the water and the solid waste produced at AltEn? Does EPA still maintain this situation falls under the treated seed exemption?

-Does EPA have any information on how much treated seed is discarded each year by industry? Does EPA have any data or research on how pesticide-coated seed can be disposed of safely?

-Does EPA know where all the seed industry's discarded treated seed goes – to what facilities and in what amounts? Is there any federal monitoring of amounts of discarded pesticide-coated seed (like the huge amounts going to AltEn) or any monitoring of water and soils near facilities that dispose of treated seed?

-Does EPA know how much pesticides (both insecticides and fungicides) are applied each year via seed treatment? If not, how can the agency correctly produce risk assessments for human health and the

environment for seed treatment active ingredient registrations, such as the recent reviews of neonicotinoids?

-Do EPA's risk assessments for the fungicides and insecticides found on treated seed consider the acute and chronic risks to humans and the environment from treated seed disposal methods? Do they consider the possibility of large accumulations of treated seed in landfills and other disposal facilities?

-Is EPA aware of the growing research, including some from USGS scientists, on how frequently neonicotinoids are found in American waterways? Was this data used in EPA's most recent registration reviews of neonicotinoids? Does EPA know what this level of regular human exposure to neonicotinoids means for human health?

-Is EPA doing any research on how frequently fungicide seed treatments might be found or persisting in American waterways and soil? Does EPA have any data on how regular exposure to these active ingredients might mean for human health?

-Will EPA reconsider the treated article exemption for treated seed, in light of the situation in Mead, Nebraska, the growing data on neonicotinoids found in water, and the continued lack of data on how much pesticides are applied via seed treatments? Or will seed treatments continue to be exempted from full EPA regulation?

-What is the status of a petition for EPA to more fully regulate treated seed, submitted in 2017? (https://www.epa.gov/petitions/petition-regulate-coated-seeds-under-fifra)

Emily Unglesbee
Staff Reporter, DTN

DTN/Progressive Farmer
Phone: (402)-637-3295

www.dtnpf.com