Message

**From**: Matuszko, Jan [Matuszko.Jan@epa.gov]
**Sent**: 2/18/2021 8:25:01 PM
**To**: Sankula, Sujatha [Sankula.Sujatha@epa.gov]
**Subject**: FW: Ethanol issue - letter ready to sign
**Attachments**: Pesticides in Ethanol Wet Cake.docx

**Importance**: High

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**From:** Goodis, Michael <Goodis.Michael@epa.gov>
**Sent:** Wednesday, January 6, 2021 9:26 AM
**To:** Matuszko, Jan <Matuszko.Jan@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
**Subject:** FW: Ethanol issue - letter ready to sign
**Importance:** High

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
571-309-5497 (cell)

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**From:** Messina, Edward <Messina.Edward@epa.gov>
**Sent:** Wednesday, November 04, 2020 3:13 PM
**To:** Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>
**Cc:** Layne, Arnold <Layne.Arnold@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>
**Subject:** FW: Ethanol issue - letter ready to sign
**Importance:** High

Here is the Wetcake letter that I am prepared to sign. Let me know if we need further discussion or a one-pager for the Administrator.

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Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Wednesday, November 04, 2020 2:45 PM
**To:** Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
**Subject:** Ethanol issue - letter ready to sign
**Importance:** High

Hi Ed:

I've added your signature block to the letter. Feel free to send it back to me and I'll transmit it to Jamie.

Thanks,
Meredith

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**From:** Messina, Edward <Messina.Edward@epa.gov>
**Sent:** Wednesday, November 04, 2020 8:53 AM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Thanks.

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Wednesday, November 04, 2020 8:34 AM
**To:** Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Hi Ed –

I think Reg. 7 talked to ORD back in September but I don't know if they've talked to OLEM. I'll ask Jamie.

Meredith

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**From:** Messina, Edward <Messina.Edward@epa.gov>
**Sent:** Tuesday, November 03, 2020 5:05 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

This looks good. I am fine singing. Has OLEM been made aware of the issue? This is really a disposal issue on what can and can't be land applied and not a pesticide issue.

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Tuesday, November 03, 2020 4:27 PM
**To:** Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?
**Importance:** High

Here's the draft letter, I tried to fix it based on the comments from OGC.

Jamie told me he doesn't have strong feelings about who should sign it. He wanted it by Thursday if that's possible.

Meredith

**From:** Goodis, Michael <Goodis.Michael@epa.gov>
**Sent:** Tuesday, November 03, 2020 4:22 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

We gave Alex a heads up on this issue.
She is generally fine with it but would like to see the letter when it is ready and she intends to chat with Jim Gulliford before we can sign.
I know Jamie has been in contact with Jim on this matter so there should be no issue. You might want to give Jamie a heads up.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

**From:** Goodis, Michael
**Sent:** Tuesday, November 03, 2020 2:24 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

We did not discuss with Jamie at what level it should be signed, so am ok at your level.
Might want to check with Jamie what level is needed.

Michael L. Goodis, P.E.

Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Tuesday, November 03, 2020 1:49 PM
**To:** Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Hi Mike –

Thanks for talking to Chris. I'll revise the letter and put it on letterhead. Who should sign it?

Meredith

p.s. I'm having a lot of computer problems, no access to People Plus and Outlook is very slow. Hopefully I can get the letter done by tomorrow.

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**From:** Goodis, Michael <Goodis.Michael@epa.gov>
**Sent:** Tuesday, November 03, 2020 1:27 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

I talked with Chris this morning during our OGC general and explained Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 He seemed more conformable. Also looking at his comments, I think some of the language from my email last year is appropriate to include in the letter. He seemed to think it makes it clearer and I think it still addresses R7's ask.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Monday, November 02, 2020 5:36 PM
**To:** Goodis, Michael <Goodis.Michael@epa.gov>
**Cc:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>
**Subject:** FW: Ethanol issue - can you do a quick review of a letter?

Hi Mike:

I'm sorry, but can you look at the email exchange between me and Forrest below. The ethanol letter that he and Chris K marked up is attached. I talked to Forrest today but OGC Deliberative Process / Ex. 5
Deliberative Process / Ex. 5

I'm on leave tomorrow and Jamie wants this by Thursday. Looking at the OGC comments, Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 I guess I need your opinion. I told Forrest I would send this to you.

I'll try to check in tomorrow between appointments –

Meredith

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**From:** Pittman, Forrest <Pittman.Forrest@epa.gov>
**Sent:** Monday, November 02, 2020 5:27 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Who else needs to look at it? It might make sense for them to do so tomorrow, given Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 It's very possible that could create issues with being able to turn this around by the time R7 wants it.

Forrest Pittman
Pesticides and Toxic Substances Law Office
U.S. EPA Office of General Counsel
(202) 564-9626

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Monday, 2 November, 2020 17:25
**To:** Pittman, Forrest <Pittman.Forrest@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Thanks Forrest. I'm on leave tomorrow so I'll look at it on Wednesday (I may try to look at it tomorrow). I think Reg. 7 wants it by Thursday.

Meredith

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**From:** Pittman, Forrest <Pittman.Forrest@epa.gov>
**Sent:** Monday, November 02, 2020 5:22 PM
**To:** Laws, Meredith <Laws.Meredith@epa.gov>
**Subject:** RE: Ethanol issue - can you do a quick review of a letter?

Meredith,

Chris and I's comments are attached. Most of the comments concern Deliberative Process / Ex. 5 Deliberative Process / Ex. 5 We are going to discuss with Kamila tomorrow, but please let us know if you'd like to schedule a conversation to discuss.

Thanks,

Forrest Pittman
Pesticides and Toxic Substances Law Office
U.S. EPA Office of General Counsel
(202) 564-9626

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**From:** Laws, Meredith <Laws.Meredith@epa.gov>
**Sent:** Thursday, 29 October, 2020 08:56

**To:** Pittman, Forrest <Pittman.Forrest@epa.gov>
**Subject:** Ethanol issue - can you do a quick review of a letter?
**Importance:** High

Hi Forrest,

We have a bit of an unusual situation. It's described below and in the first 2 attachments. Long story short is Reg. 7 wants a letter from us that they can give to the Nebraska authorities. Reg 7 (Jamie Green) spoke to Ed & Mike Goodis and they thought a letter that provides a high level overview of our risk assessments would work. I've shared the attached draft with Jamie and he says this will work. Mike wants OGC to look it over so this is why I'm sending it to you. I hope this email is a sufficient explanation of what's going on.

The letter is short & I don't think there's anything controversial but please let me know if you have any comments. The third attachment is the draft letter.

Thanks very much,
Meredith

Meredith Laws
Chief, Invertebrate-Vertebrate Branch 3
Registration Division
Office of Pesticide Programs
(703) 308-7038
www.epa.gov/pesticides

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**From:** Laws, Meredith
**Sent:** Monday, October 05, 2020 2:43 PM
**To:** Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
**Cc:** Eagle, Venus <Eagle.Venus@epa.gov>
**Subject:** HEADS UP! - Ethanol issue
**Importance:** High

Hi Marietta, Catherine, Dan;

We have a situation that we need to bring to your attention. It's over a year old, we thought we had dealt with it in May 2019 but it's back. I'm putting this in bullets because it's easier but we're happy to have a conference call to explain better if needed. To set the scenario, please see the attached picture.

- This is a picture of unsold treated seed. It is in an ethanol facility in Nebraska. The facility buys the unsold seed and extracts the ethanol. The remaining plant material is referred to as "wet cake" or "mash." This facility had a permit to sell the mash as a "soil enhancer." The mash contains enormously high residues of pesticides (fungicides & insecticides) from the seed treatments. This came to the attention of the NE Dept of Ag and they revoked the facility's permit to sell the mash. I think an email from Mike assisted with that action, see attached email from Jamie Green – Mike's email is at the bottom of Jamie's email.

- We don't regulate the treated seed, it falls under the treated article exemption. Most seed treatment product labels require the seed bag tag to say: "Excess treated seed may be used for ethanol production only if (1) by-products are not used for livestock feed and (2) no measurable residues of pesticide remain in ethanol by-products that are used in agronomic practice."

- The current issue is that this ethanol facility is still in business and now the mash is waste material. They are generating 150 tons per day. They have already removed 32,000 tons, which took 1,500 truck loads (I'm not sure where it was removed to).

- The NE Secretary of Ag wants help in finding a way "to use this wet cake (mash)". Now the Region 7 Administrator, Jim Guilford is involved. We've had several discussions with Jamie Green in Reg 7. They want help from OPP and may call Alex, Ed, Rick, OGC and OCE. **Deliberative Process / Ex. 5**
**Deliberative Process / Ex. 5**

- Just now!! I got a text from Jamie - - his Division Director is calling Ed.

ccing Venus.

Meredith