Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 2/25/2021 9:17:55 PM
To: Koch, Erin [Koch.Erin@epa.gov]; Sadowsky, Don [Sadowsky.Don@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]
CC: Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi,

Ex. 5 Deliberative Process (DP)

5. ***Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted? Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?***

EPA's InertFinder is a tool for helping stakeholders determine which inert ingredients may be approved for use in pesticide products. However, inclusion of an inert ingredient in the Inert Finder does not constitute approval for use in any particular pesticide product. EPA's Inert Finder may also contain legacy chemicals not currently approved for use in pesticide products. Users should be aware that while effort is made to ensure that the information in InertFinder is regularly updated and accurate, there are no express or implied guarantees. The Federal Register and the Code of Federal Regulations remain the official source for regulatory information related to the use of inert ingredients in pesticide products used on food.

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. In addition, tolerances or tolerance exemptions are required for all ingredients, including inert ingredients, present from use of pesticides on food and feed.

The most up-to-date tolerances and tolerance exemptions are found in the electronic CFR. In the case of nonfood use inert ingredients, EPA maintains a database of nonfood use limitations and approvals.

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Wednesday, February 24, 2021 7:50 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Sorry I didn't get back to you last night. **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 4:46 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Deliberative Process (DP)

7. ***Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?***

Ex. 5 Deliberative Process (DP)

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 4:04 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Ex. 5 Deliberative Process (DP) But then consider whether the question is answered.

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 4:00 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Repeating my earlier email to Kerry, because I think our messages crossed paths in the night:

> Kerry, the question is about confidentiality of the process used by the container company in treating or cleaning the containers, not about the pesticide product in the container. The company has expressed concern, I believe, about revealing details of its process.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, February 23, 2021 3:58 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

If the impurity was an integral part of the production process, then the answer might be yes, it could reach into the realm of CBI. However, in this case, the production of the product would not be expected to involve PFAS of any kind so I don't see this as approaching CBI-ness.

Kerry Leifer, Chief
Chemistry, Inerts and Toxicology Assessment Branch
Registration Division (7505P)
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460
tel: (703) 308-8811
fax: (703) 605-0781

e-mail: leifer.kerry@epa.gov

From: Koch, Erin
Sent: Tuesday, February 23, 2021 3:50 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

In this case, the PFAS is an impurity so it's not something that was chosen to be used, nor were they choosing from amongst a list of possibilities. I just didn't know whether saying an impurity isn't listed on a CSF (when maybe it should have been) strays into CBI.

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:46 PM

To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Good question, Erin. If there were dozens of possible PFAS that could be used, it probably doesn't reveal CBI to say that they're not in these containers. If it's a small number of products, there might be an issue, as it might point to other products that are being used.

The surest route is to ask the container company.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Tuesday, February 23, 2021 3:25 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

And I should have added, the only other potential concern I have with the answer is the last line of #7. Don – is there any CBI concern with saying what is not on a CSF?

From: Koch, Erin
Sent: Tuesday, February 23, 2021 3:23 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Given the questions about Inert Finder, I think it would be good to explain that inerts are intentionally added. There may also be impurities which are not intentional. Both inert ingredient and impurity are defined in 40 CFR 158.300. The PFAS found in this product has been considered an impurity. I'm not sure to what detail the materials you already have prepared from OPP already address this distinction, so they ought to weigh in if there isn't something already written. I'm cc'ing Kimberly and Kerry Leifer who is the inerts expert.

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:18 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Lara, I looked at the language again, and decided that my earlier edits could be made yet a bit clearer. See new language in green.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 3:14 PM
To: Sadowsky, Don <Sadowsky.Don@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Thank you, Don! That's really helpful.
Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Sadowsky, Don <Sadowsky.Don@epa.gov>
Sent: Tuesday, February 23, 2021 3:08 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: Re: REVIEW: E&E News Press Inquiry, DDL 5 PM

Edits to answer #6 below.

Donald A. Sadowsky
Pesticides and Toxic Substances Law Office
Office of General Counsel
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
(202) 564-5638

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, February 23, 2021 2:49 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Erin,

E&E news got back to us with three more questions. I just wanted to run them by you quickly for review!

5. ***Is EPA working with any trade groups or organizations on this issue to communicate with pesticide manufacturers? Are there any plans to do widespread testing of other pesticides that are transported in the barrels?***

Yes, EPA has been in close communication with trade associations. In order to expand testing and understand the health and environmental risk implications of this issue, EPA is working with industry and trade organizations to conduct parallel testing to uncover possible contamination issues and engage in responsible product stewardship.

6. ***Regarding EPA's Inert Finder, are companies meant to use that as a baseline for what inert ingredients are permitted?***

Ex. 5 Deliberative Process (DP)

7. ***Are there any PFAS listed in the finder? If so, how has EPA been able to rule them out as a potential source of the contamination?***

Ex. 5 Deliberative Process (DP)

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, February 22, 2021 4:06 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Nothing further from me.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Monday, February 22, 2021 3:47 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

See thoughts in blue below. Thanks for the second look.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Monday, February 22, 2021 3:39 PM
To: Koch, Erin <Koch.Erin@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 5 PM

Hi Kimberly and Erin,

Just sharing modified answers after Shamus' review (mostly wording edits and adding that link to FDA at the end). Let me know if we are still good to go with these.

1. ***Who manufactures the barrels in question?***

   Ex. 5 Deliberative Process (DP)

   Ex. 5 Deliberative Process (DP) the high-density polyethylene (HDPE) containers fluorinated by Inhance Technologies which are used to store and transport pesticides.

2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***
   In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***
   At this point, EPA does not believe the issue is specific to any geographic area. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. ***What can you tell us about what other products might be contained in these barrels?***
   - ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

   EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is conducting additional testing to understand the extent and significance of the potential for PFAS contamination

   Ex. 5 Deliberative Process (DP)

   Ex. 5 Deliberative Process (DP)

   For information on food and PFAS, contact FDA.

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Monday, February 22, 2021 2:44 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Sadowsky, Don <Sadowsky.Don@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: E&E News Press Inquiry, DDL 4 PM

Rhina,

I don't have any comments on your proposed answers. They look pretty high level and as far as I know accurate. I'm cc'ing some of my colleagues for their awareness.

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Monday, February 22, 2021 12:58 PM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: REVIEW: E&E News Press Inquiry, DDL 4 PM

Hi Erin,

I hope you had a great weekend! We got a press inquiry from E&E News regarding the PFAS in pesticide packaging issue. Sorry for the quick turnaround, but we have to get an answer to the reporters by Wednesday. Could you please look over the following answers by **4 PM today**? The answers come from our internal Qs&As, so not a lot of new language.

1. ***Who manufactures the barrels in question?***
   The fluorinated high-density polyethylene (HDPE) containers used by Clarke Mosquito to store and transport the affected pesticide are fluorinated by Inhance Technologies.

2. ***What can you tell us about the levels of PFAS EPA found in the barrels?***
   In the coming weeks, EPA is planning to release data providing insight into PFAS compounds and levels found in the identified product and present in/on fluorinated containers.

3. ***Is this issue limited to pesticides used in Southeastern Massachusetts, or is EPA worried about other products or other geographies where this may be the case?***
   At this point, EPA does not believe the issue is specific to any geographic area. Fluorinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. EPA is using its authorities under FIFRA and TSCA to obtain more information about the potential scope of this contamination and to evaluate whether other regulated products may be affected.

4. ***What can you tell us about what other products might be contained in these barrels?***
   - ***Based on EPA's coordination with USDA and FDA, can you tell us if there are any food products you are concerned about and which ones?***

   EPA understands that roughly 20-30% of all rigid agriculture chemical packaging in North America is fluorinated HDPE. EPA is conducting additional testing to understand the extent and significance of the PFAS contamination and continues to be in close communication with the Food and Drug Administration (FDA) and the United States Department of Agriculture (USDA).

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

NATIONAL PESTICIDE SAFETY EDUCATION MONTH

National Pesticide Safety Education Month
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