United States Senate
WASHINGTON, DC 20510-0609

February 18, 2022

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460

Dear Administrator Regan,

Thank you for taking the time to meet with members of the U.S. Senate Committee on Agriculture, Nutrition and Forestry to discuss the Environmental Protection Agency's (EPA) recent actions on chlorpyrifos, dicamba, atrazine, and the Endangered Species Act (ESA) biological evaluations (BE) for glyphosate, atrazine and simazine — all of which are necessary for a robust food supply.

Now, we are calling on you to redirect EPA's Office of Pesticide Programs back towards a regular, risk-based regulatory process that reflects real-world data provided by the U.S. Department of Agriculture (USDA) and growers.

U.S. farmers and ranchers are already coping with record inflation and broken supply chains — the last thing they need is EPA voluntarily revoking or severely limiting traditional farming tools and methods. If these producers lose the ability to use certain crop protection products, farms will be forced to forgo conservation practices, like no-till farming, and revert to full tillage methods to control pests. Below you will find detailed actions and questions EPA should take into consideration to alleviate threats to our nation's food and agricultural supply chain:

Chlorpyrifos.

1. Will EPA commit to respond to growers' formal objections under the *Federal Food, Drug, and Cosmetic Act* in a timely manner, given the February 28 effective date of the rule?

Dicamba.

1 Is the EPA willing to work with the registrants and user community to ensure that this vital product will stay on the market for 2022 and beyond?
2 Prohibiting the use of over-the-top Dicamba application would serve as a de facto ban on the product entirely. Is the EPA considering this ban?
3 In response to the Dicamba report, several environmental groups have requested expedited consideration of a case where they are seeking vacatur of the dicamba registration. Under worst case scenarios, should this occur before the 2022 growing season, has EPA considered how it would ensure the agricultural community and conservation benefits are not devastated, especially given the current lack of herbicide alternatives due to supply chain challenges?

4 Given the current supply chain shortages and the short duration of 2022 spring planting, what steps are necessary to prevent significant damage to the agricultural economy during the 2022 growing season?

5 In our phone call, the EPA committed to sharing data that was used in the December 21, 2021, press release on off-target complaints. State pesticide regulatory agencies and EPA's numbers do not match. Will you share this data so we can have an accurate picture of off-target complaints?

Triazine Herbicides Concentrated-Equivalent Level of Concern.

1. Are you aware that if EPA lowers the CELOC number it will impact millions of acres of arable no-till land?
2. Are you committed to giving farmers the crop protection tools necessary to remain modern stewards of the land and utilize quality conservation farming methods?
3. Under FIFRA, EPA is required to consider benefits. Recent actions appear to be more focused on litigation risk, are you now departing from the FIFRA analysis requiring scientific principles of product risk AND product benefit analysis?

Biological Evaluations.

1. Why are you using numbers that are considerably higher than agronomic rates to establish tolerance levels under the BE?
2. Is the Agency willing to engage with growers, pesticide users, and USDA to find ways to use better data in the BE process?

Access to safe, effective pesticides is vital for allowing farmers to continue to efficiently and sustainably feed, clothe, and fuel the world. Thank you for your reinstated interest in all activities before EPA's Office of Chemical Safety and Pollution Prevention, specifically its Office of Pesticide Programs. We hope to work more closely with you and your office in the future to ensure these important agency activities can mutually benefit our environment and the agricultural producers who help to steward it. We look forward to receiving a response by February 28, 2022.

Sincerely,

Roger W. Marshall

Roger Marshall, M.D.
United States Senator

Chuck Grassley

Chuck Grassley
United States Senator

Mike Braun

Mike Braun
United States Senator

Joni K Ernst

Joni Ernst
United States Senator