Message

From: Aubee, Catherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=18E81C76BBA145F1948ED5641919DEB1-AUBEE, CATHERINE]
Sent: 3/31/2021 2:59:13 PM
To: Lara, Rhina [Lara.Rhina@epa.gov]; Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]
CC: Laws, Meredith [Laws.Meredith@epa.gov]; Johnson, Marion [Johnson.Marion@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Great – thanks. No other comments from me.

Best,
Catherine

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Wednesday, March 31, 2021 10:52 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Catherine,

Yes, I'll add ORD. I also edited number 5!

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients included in the EPA Office of Research and Development (ORD) PFAS Master List are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

EPA's Office of Pollution Prevention and Toxics applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Wednesday, March 31, 2021 10:47 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina:

Can we qualify the Master List as the EPA Office of Research and Development Master List (if that is appropriate)?

For number 5, I think we should use the standard registration language, something like below.

EPA reviews all ingredients included in a pesticide product before granting approval. Lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon have each undergone risk assessments with chemical-specific data to ensure there is reasonable certainty of no harm to human health when used as directed on the label.

Best,
Catherine

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Wednesday, March 31, 2021 10:32 AM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi All,

Sorry to press, but just want to make sure we are good to go with the response below. I am hoping to get this to OPP IO for review by 12 PM today.

Thank you so much!

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: Lara, Rhina
Sent: Tuesday, March 30, 2021 5:32 PM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Perfect, thank you!

So here is where we have landed with the response. Let me know if we all agree and this is okay to submit for OPP IO approval.

Note: I got a definition for PFAS from OPPT and added it to question 2.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients included in the PFAS Master List are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

EPA's Office of Pollution Prevention and Toxics applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>
Sent: Tuesday, March 30, 2021 5:26 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

It can be included in the general response with the other chemicals. If information on the re-evaluation of actives is not part of the response, then no need to add it for tetraconazole.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 30, 2021 2:33 PM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Thank you, Cynthia. Does that mean t **Ex. 5 Deliberative Process (DP)** ?

5. ***Are there any known potential concerns about these pesticide active ingredients?***

Ex. 5 Deliberative Process (DP)

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: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>
Sent: Tuesday, March 30, 2021 12:34 PM
To: Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

https://www.regulations.gov/search/docket?filter=epa-hq-opp-2015-0061

The Scoping Document is in the Docket. There not any outstanding HED data. The ID for tetraconazole has not been published/completed. The ID is expected in 2022.

From: Saunders, Jennifer <Saunders.Jennifer@epa.gov>
Sent: Tuesday, March 30, 2021 11:01 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina, I'm not sure exactly what you need for the last question for the actives. For noviflumuron, the ID was published in 2018 (https://www.regulations.gov/document/EPA-HQ-OPP-2014-0566-0018) and states "The Agency concluded that human exposure to noviflumuron is expected to be negligible for the currently registered uses, and that there are no dietary, residential, occupational, or aggregate risks of concern."

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 30, 2021 10:55 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Kerry,

Thank you for suggesting I reach out to ORD! I am working on questions 3 and 4 with them. Their explanation of the EPA CompTox Chemicals Dashboard helped me edit question 1. Here are the questions and responses that will still need RD input.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***
Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. Pesticide active ingredients on the list are included because they have small subcultural elements similar to those of the substructures that informed the creation of the PFAS Master List. Pesticides that have small PFAS substituents could produce PFAS through various processes. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***
There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***
Working with ORD on response.

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***
Working with ORD on response.

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina,

Questions 3 and 4 are related to the EPA CompTox Chemicals Dashboard, which is a project of the Center for Computational Toxicology and Exposure/ORD. I would think they would be in the best position to answer those questions.

I am trying to track down the registration status of lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon but my OPPIN connection is spotty right now. I know tetraconazole is one of the Fungicide Branch's chemicals and the other three chemicals are all insecticides so they would be in one of the RD IVB's. I've copied the FB and the three IVB Branch Chiefs on this message.

_____
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: Lara, Rhina
Sent: Monday, March 29, 2021 11:48 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Catherine and Kerry,

We received an inquiry through the PFAS in Pesticide Packaging inbox regarding certain active ingredients in pesticides (Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon) and whether they are considered PFAS. I tried to answer two of the questions using some of our previously approved responses, but will need your help in answering the others. We don't have a strict deadline on these, but would like to have an answer prepped by Wednesday morning.

Here is the incoming message:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.
In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

> *"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."*

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?
4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Ex. 5 Deliberative Process (DP)

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

Ex. 5 Deliberative Process (DP)

3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: Aubee, Catherine [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=18E81C76BBA145F1948ED5641919DEB1-AUBEE, CATHERINE]
Sent: 4/22/2021 12:25:40 AM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: FW: ED Questions: Responses to states on PFAS in containers issue
Attachments: PFAS containe responses to states.docx

FYI

Best,
Catherine

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Wednesday, April 21, 2021 8:23 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: ED Questions: Responses to states on PFAS in containers issue

We can reach out to MN. Thanks. Please include Mike and Darlene in messages to me. Will ensure a more timely response.

Ed

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: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Wednesday, April 21, 2021 1:57 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: ED Questions: Responses to states on PFAS in containers issue

Hi Ed – I wanted to check in w/ you again on this. I have a revised response to PFAS definition question submitted by MN on the containers issue. Rick and Michal both wanted to know if someone could call MN and walk them through the full set of responses once they are cleared. Is that something OPP can do? I want to be able to tell Michal/Rick when I send these responses back around to them. Thanks.

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 2:16 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: ED Questions: Responses to states on PFAS in containers issue

Hi Ed – folks sent me the attached PFAS in containers responses to states. Rick and Michal asked me to check with you on the following issues with this response. Let me know what you think. Thanks.

From Rick and Michal on the Minnesota inquiry:

- See response to question #2 from Minnesota. There is some new PFAS definition issue you should raise with Ed.
- I think the Minnesota inquiry might merit a call with MDA first. The nuance in our answers may need some additional explanation.
- Also, the state co-regulator workgroups under SFIREG (State FIFRA Research and Evaluation Group) are meeting next week and PFAS is a sizable piece of the agenda. Depending upon the audience for that meeting, this might be something that OPP should discuss/convey to the broader group.

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, April 9, 2021 2:08 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

There is some new PFAS definition issue you should raise with Ed.

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 1:59 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Regarding the definition of PFAS, this is something I worked w/ folks on recently (last week I think). Tala provided this info on how OPPT defines PFAS and confirmed we're using the same definition in this case as well.

I can do some more work on the FL one.

Thanks.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Friday, April 9, 2021 1:56 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Thanks Cheryl.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 09, 2021 1:48 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: Michal/Rick: Responses to states on PFAS in containers issue

Hi Rick/Michal – I understand from Allison that she used to run responses back to the states/other stakeholders on the PFAS in containers issue by you before sending back out. Attached are responses to questions from the Florida Department of Agriculture and Minnesota Department of Agriculture that came in through our PFAS in pesticide packaging email box. There's no "breaking news" in these responses, and they've been adapted from vetted/approved content that we've provided before (to other inbox inquiries from stakeholders, press or on the website).

Let me know if you'd like to continue reviewing these more standard responses or if you're ok with just an FYI. Thanks.

Cheryl Dunton
Acting Deputy Division Director and Communications Director
Communication Services and Information Division
Office of Chemical Safety and Pollution Prevention
202-564-4893

Internal and Deliberative
PFAS in Pesticide Packaging Inquiries

Pesticidepackaging <[HYPERLINK "mailto:Pesticidepackaging@epa.gov" \t "_blank"]>

From: Florida Department of Agricultural Environmental Services

Incoming:

We saw the recent article regarding Permanone 30-30 (copied below). Does EPA have similar guidance for consumers as was put out for Anvil 10+10? Should mosquito control programs red tag any existing stocks?

Response:

Ex. 5 Deliberative Process (DP)

From: Minnesota Department of Agriculture

Incoming:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.

In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: [HYPERLINK "https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcomptox.epa.gov%2Fdashboard%2Fchemical_lists%2Fpfasmaster&data=04%7C01%7CLara.Rhina%40epa.gov%7C6550359a832d40ab097208d8f0be5e07%7C88b378b367484867acf976aacbeca6a7%7C0%7C0%7C637524047694553067%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C1000&sdata=ZPdRlqRxBZHIqS7VcNw6WMFYoEXMGfDAN%2B%2FaR4%2F%2BKUQ%3D&reserved=0" \t "_blank"]. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers

and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?
4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients in the EPA Office of Research and Development PFAS Master List are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

EPA's Office of Pollution Prevention and Toxics applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

Ex. 5 Deliberative Process (DP)

Message

From: Koch, Erin [Koch.Erin@epa.gov]
Sent: 3/4/2021 4:40:56 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]
CC: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: RE: PFAS Q&A on 6(a)(2)

Ex. 5 Deliberative Process (DP)

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, March 04, 2021 11:38 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

This sentence is giving my pause:

Ex. 5 Deliberative Process (DP)

Looping in Kerry to weigh in

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Thursday, March 4, 2021 11:25 AM
To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

Okay, I did make one more edit– sorry! See below.

Best,
Catherine

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Thursday, March 04, 2021 11:23 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

If OPP is fine with this, I am (with one minor edit below since you've added the statement in the first paragraph).

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Thursday, March 04, 2021 11:21 AM
To: Koch, Erin <Koch.Erin@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

Thank you, Erin. That's really helpful. I incorporated your edits below and linked to the CFR (let me know if these are the appropriate links). Let me know if this looks good:

8. What should pesticide registrants do if they find PFAS in their production lines?

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: Thursday, March 4, 2021 11:08 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

I agree the linking the general 6a2 site is best. I also have some suggestions on the text and notes to consider in brackets:

8. What should companies do if they find PFAS in their production lines?

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, March 02, 2021 5:22 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Koch, Erin <Koch.Erin@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

Hi Rhina,

There are a number of relevant PR notices, so I would cite more generally to the EPA website for this purpose – I edited the link below.

I made a few edits. Looping in Erin to make sure I'm not creating any problems with my suggestions. Please revise further as needed.

Thanks!

Best,
Catherine

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 02, 2021 4:59 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: PFAS Q&A on 6(a)(2)

Hi Catherine,

As a follow-up to our call just now, could you please take a look at this new Q&A?

8. What should companies do if they find PFAS in their production lines?

Ex. 5 Deliberative Process (DP)

Is that the correct section to link to or should I be linking to 159.179(b)? https://www.govinfo.gov/content/pkg/CFR-2013-title40-vol25/pdf/CFR-2013-title40-vol25-sec159-178.pdf << *I changed to the EPA website on 6a2 reporting, but hoping Erin can advise if we want to provide more specific legal citations*

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

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 3/4/2021 5:01:23 PM
To: Koch, Erin [Koch.Erin@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: RE: PFAS Q&A on 6(a)(2)

Got it!

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Thursday, March 4, 2021 12:00 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

Sorry, one last tweak in red and strike the (2) since we are being less certain.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Thursday, March 04, 2021 11:56 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

I added potentially and changed the "must" to "should." I can run this by Tala, if needed.

8. What should pesticide registrants do if they find PFAS in their production lines?

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: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, March 4, 2021 11:50 AM
To: Koch, Erin <Koch.Erin@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

I am good with "potentially" and "should"

From: Koch, Erin <Koch.Erin@epa.gov>
Sent: Thursday, March 4, 2021 11:44 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

I'm fine with "of potential…" but that isn't enough to make 6a2 reporting required, so that wording goes with "should."

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Thursday, March 04, 2021 11:41 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

Can we say "of potential toxicological significance?"

If not, then I'm fine with reverting to the previous more generic language and the "should" instead of "must."

I think there is a difference between Ex. 5 Deliberative Process (DP)
Ex. 5 Deliberative Process (DP)

I think OPPT typically reviews these prior to release – correct?

Best,
Catherine

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, March 04, 2021 11:38 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS Q&A on 6(a)(2)

This sentence is giving my pause:

Ex. 5 Deliberative Process (DP)

Looping in Kerry to weigh in

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Thursday, March 4, 2021 11:25 AM

To: Koch, Erin <Koch.Erin@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
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Subject: RE: PFAS Q&A on 6(a)(2)

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8. What should pesticide registrants do if they find PFAS in their production lines?

Ex. 5 Deliberative Process (DP)

Best,
Rhina M. Lara *(she/her/hers)*
Communications Branch
Office of Chemical Safety and Pollution Prevention
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Subject: RE: PFAS Q&A on 6(a)(2)

Hi Rhina,

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I made a few edits. Looping in Erin to make sure I'm not creating any problems with my suggestions. Please revise further as needed.

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From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 02, 2021 4:59 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>

Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: PFAS Q&A on 6(a)(2)

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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

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 2/24/2021 7:18:01 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Hmm. Interesting, this is different from what I had heard and what we have been telling people. We definitely need to refine our message on this.

Ed

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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Wednesday, February 24, 2021 2:16 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

One big communication issue here is the definition of PFAS. Under the broadest possible definition (which basically includes any chemical with a carbon-fluorine bond in its structure), there are some active ingredient and inert ingredient PFAS, including some inert ingredients listed in InertFinder.

If the discussion is on the types of PFAS that migrated from the fluorinated HDPE containers in question, and that are of known risk concerns, they are not used as inert ingredient or listed in InertFinder. My understanding is Ex. 5 Deliberative Process (DP)

Ex. 5 Attorney Client (AC)

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: Goodis, Michael
Sent: Wednesday, February 24, 2021 1:56 PM
To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Are we not able to confirm there are no PFAS compounds in Inert Finder for #7 below?

Looping in RD for input.

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)

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Wednesday, February 24, 2021 11:23 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Hi Ed – We had included a sentence but OGC thought Ex. 5 Attorney Client (AC)

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Wednesday, February 24, 2021 11:15 AM
To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

These are good. Do we want to say more that t Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) ?

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: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Wednesday, February 24, 2021 11:03 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24
Importance: High

Thanks Mike.

Ed – Please let me know if you have any comments.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, February 24, 2021 10:33 AM
To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

Thanks – I don't have any comments.

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)

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Wednesday, February 24, 2021 8:40 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: For OPP IO Review: E&E News - PFAS inquiry; DDL 2/24

HI – Below for your review is the response to an E&E News inquiry regarding the PFAS in pesticide packaging. The response was also reviewed by OGC.

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

Ex. 5 Deliberative Process (DP)

2. *What can you tell us about the levels of PFAS EPA found in the barrels? Were the measurements in ppt, ppb?*

Ex. 5 Deliberative Process (DP)

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?*

Ex. 5 Deliberative Process (DP)

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?*

Ex. 5 Deliberative Process (DP)

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?*

Ex. 5 Deliberative Process (DP)

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)

From: Ev Crunden <ecrunden@eenews.net>
Sent: Monday, February 22, 2021 5:38 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>; awittenberg@eenews.net; Press <Press@epa.gov>
Subject: Re: PFAS in pesticide barrels--E&E News

Hi Andrea,

Thanks for the update! We realized we have a lot of questions as we try to get a grasp on all of this, so just wanted to collect them below in one place for you, if written responses work best.

We are wondering:

- Who manufactures the barrels in question?

- What can you tell us about the levels of PFAS EPA found in the barrels? Were the measurements in ppt, ppb?

- 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?

- 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?

- 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?

- 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?

Sorry for the onslaught but just want to make sure we get everything. Thanks so much.

Best,
Ev

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 3/10/2021 11:04:11 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: topics for ED general
Attachments: OPP General Notes 3-11-2021 (003).docx

Flag: Flag for follow up

This looks fine. I made some changes/suggestions for removing a few items that are kind of quiet or maybe already done. For instance - - I took out some of the line items on audits which have moved to a new stage. And also suggesting removing Virna's talk and the AAPCO label project both.

But retain if you prefer. I like that the hot topics are highlighted.

Ugh, 8 am meeting.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, March 10, 2021 5:31 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: topics for ED general

Let me know if you have edits by 7:45 am tomorrow. thanks

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – March 11, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Antibiotics – TBD
- Pet incidents – TBD
- FDA/EPA jurisdiction - TBD

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB)
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB)
- Picarbutrazox – completed!
- Fluxametamide – completed!
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- Ex. 5 Deliberative Process (DP)

- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Ex. 5 Deliberative Process (DP)

Formatted: Indent: Left: 1", No bullets or numbering

- Final Efficacy Test Guidelines (Fire Ants, Pests of Pets): done; re-announce availability (Angela's list)
- **PFAS** – RD working with Clark on submissions
  - Ex. 5 Deliberative Process (DP)
- AAPCO Label Project – VA, IN, MB etc. plus EPA
- FLS/FLAG: debuted Performance Management Toolkit for Federal Supervisors last week; interest from other AA/Regional FLAG reps in sharing it with their supervisors

Business/process/technology

- ISB – FEP/21-day backlog:
  - **backlog addressed by end of April; RD SWAT team addressing newer receipts**
  - **Michal feedback on expediting all covid actions?**
- eCSF/OPPEL – OPP priority – ITRMD report May soft launch

Speaking Engagements –

- AMCA meeting (Vinna Sullivaugh)

People/Personnel/Resources

- Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

- Ex. 5 Deliberative Process (DP)

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 3/11/2021 12:45:50 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]
CC: Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RD general topics
Attachments: OPP General Notes 3-11-2021 .docx

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

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Business/process/technology

- ISB – FEP/21-day backlog:
    - **backlog addressed by end of April; RD SWAT team addressing newer receipts**
    - **Michal feedback on expediting all covid actions?**
- eCSF/OPPEL – OPP priority – ITRMD report May soft launch

Speaking Engagements –

People/Personnel/Resources

Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

Ex. 5 Deliberative Process (DP)

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 3/25/2021 12:17:58 PM
To: Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: OPP general topics
Attachments: OPP General Notes 3-25-2021 .docx

Send me updates asap this morning. Thanks

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – March 25, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Pet incidents 3/31st
- FDA/EPA jurisdiction 4/5th
- Antibiotics – TBD

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB)
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB)
- Picarbutrazox – completed!
- Fluxametamide – completed!
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- FDA/EPA jurisdiction – follow up briefing for Ed 3/10th – RD sent an email for Soloman; anything else needed?
- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Ex. 5 Deliberative Process (DP)
  - **PFAS** – RD working with Clark on submissions

Ex. 5 Deliberative Process (DP)

- Inerts meeting with CLA
- FLS/FLAG: debuted Performance Management Toolkit for Federal Supervisors last week; interest from other AA/Regional FLAG reps in sharing it with their supervisors

Business/process/technology

- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
  - **Michal feedback on expediting all covid actions? Any updates?**
- eCSF/OPPEL – OPP priority – ITRMD report May soft launch; requesting time at an OPP staff meeting

Speaking Engagements –

People/Personnel/Resources

Ex. 6 Personal Privacy (PP)

- Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

- Ex. 5 Deliberative Process (DP)

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 3/30/2021 2:55:06 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Laws, Meredith [Laws.Meredith@epa.gov]; Johnson, Marion [Johnson.Marion@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Importance: High

Hi Kerry,

Thank you for suggesting I reach out to ORD! I am working on questions 3 and 4 with them. Their explanation of the EPA CompTox Chemicals Dashboard helped me edit question 1. Here are the questions and responses that will still need RD input.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***
Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. Pesticide active ingredients on the list are included because they have small subcultural elements similar to those of the substructures that informed the creation of the PFAS Master List. Pesticides that have small PFAS substituents could produce PFAS through various processes. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***
There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina,

Questions 3 and 4 are related to the EPA CompTox Chemicals Dashboard, which is a project of the Center for Computational Toxicology and Exposure/ORD. I would think they would be in the best position to answer those questions.

I am trying to track down the registration status of lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon but my OPPIN connection is spotty right now. I know tetraconazole is one of the Fungicide Branch's chemicals and the other three chemicals are all insecticides so they would be in one of the RD IVB's. I've copied the FB and the three IVB Branch Chiefs on this message.

_____
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: Lara, Rhina
Sent: Monday, March 29, 2021 11:48 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Catherine and Kerry,

We received an inquiry through the PFAS in Pesticide Packaging inbox regarding certain active ingredients in pesticides (Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon) and whether they are considered PFAS. I tried to answer

two of the questions using some of our previously approved responses, but will need your help in answering the others. We don't have a strict deadline on these, but would like to have an answer prepped by Wednesday morning.

Here is the incoming message:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.
In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

> *"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."*

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?
4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients included in the PFAS master list are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 3/30/2021 3:12:24 PM
To: Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]; Laws, Meredith [Laws.Meredith@epa.gov]; Johnson, Marion [Johnson.Marion@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

For the last question, do we think a general statement would work along the lines of:

5. ***Are there any known potential concerns about these pesticide active ingredients?***

Ex. 5 Deliberative Process (DP)

Let me know if this isn't accurate.

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: Saunders, Jennifer <Saunders.Jennifer@epa.gov>
Sent: Tuesday, March 30, 2021 11:01 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina, I'm not sure exactly what you need for the last question for the actives. For noviflumuron, the ID was published in 2018 (https://www.regulations.gov/document/EPA-HQ-OPP-2014-0566-0018) and states "The Agency concluded that human exposure to noviflumuron is expected to be negligible for the currently registered uses, and that there are no dietary, residential, occupational, or aggregate risks of concern."

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 30, 2021 10:55 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

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Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

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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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM

To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
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_____

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: Lara, Rhina
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To: Aubee, Catherine <Aubee.Catherine@epa.gov>
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Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

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3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 3/31/2021 2:38:15 PM
To: Giles-Parker, Cynthia [Giles-Parker.Cynthia@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Laws, Meredith [Laws.Meredith@epa.gov]; Johnson, Marion [Johnson.Marion@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Thanks so much for the quick response! I will move this forward for Ed & Mike's review.

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: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>
Sent: Wednesday, March 31, 2021 10:36 AM
To: Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Looks fine

From: Saunders, Jennifer <Saunders.Jennifer@epa.gov>
Sent: Wednesday, March 31, 2021 10:34 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

It's fine for noviflumuron, thanks!

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Wednesday, March 31, 2021 10:32 AM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi All,

Sorry to press, but just want to make sure we are good to go with the response below. I am hoping to get this to OPP IO for review by 12 PM today.

Thank you so much!

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: Lara, Rhina
Sent: Tuesday, March 30, 2021 5:32 PM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Perfect, thank you!

So here is where we have landed with the response. Let me know if we all agree and this is okay to submit for OPP IO approval.

Note: I got a definition for PFAS from OPPT and added it to question 2.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients included in the PFAS Master List are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

EPA's Office of Pollution Prevention and Toxics applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>
Sent: Tuesday, March 30, 2021 5:26 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

It can be included in the general response with the other chemicals. If information on the re-evaluation of actives is not part of the response, then no need to add it for tetraconazole.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 30, 2021 2:33 PM
To: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Thank you, Cynthia. Does that mean tetraconazole can't be included in the following statement?

5. ***Are there any known potential concerns about these pesticide active ingredients?***

Ex. 5 Deliberative Process (DP)

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: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>
Sent: Tuesday, March 30, 2021 12:34 PM

To: Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

https://www.regulations.gov/search/docket?filter=epa-hq-opp-2015-0061

The Scoping Document is in the Docket. There not any outstanding HED data. The ID for tetraconazole has not been published/completed. The ID is expected in 2022.

From: Saunders, Jennifer <Saunders.Jennifer@epa.gov>
Sent: Tuesday, March 30, 2021 11:01 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina, I'm not sure exactly what you need for the last question for the actives. For noviflumuron, the ID was published in 2018 (https://www.regulations.gov/document/EPA-HQ-OPP-2014-0566-0018) and states "The Agency concluded that human exposure to noviflumuron is expected to be negligible for the currently registered uses, and that there are no dietary, residential, occupational, or aggregate risks of concern."

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, March 30, 2021 10:55 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Kerry,

Thank you for suggesting I reach out to ORD! I am working on questions 3 and 4 with them. Their explanation of the EPA CompTox Chemicals Dashboard helped me edit question 1. Here are the questions and responses that will still need RD input.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***
Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. Pesticide active ingredients on the list are included because they have small subcultural elements similar to those of the substructures that informed the creation of the PFAS Master List. Pesticides that have small PFAS substituents could produce PFAS through various processes. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***
There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are

subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina,

Questions 3 and 4 are related to the EPA CompTox Chemicals Dashboard, which is a project of the Center for Computational Toxicology and Exposure/ORD. I would think they would be in the best position to answer those questions.

I am trying to track down the registration status of lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon but my OPPIN connection is spotty right now. I know tetraconazole is one of the Fungicide Branch's chemicals and the other three chemicals are all insecticides so they would be in one of the RD IVB's. I've copied the FB and the three IVB Branch Chiefs on this message.

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: Lara, Rhina
Sent: Monday, March 29, 2021 11:48 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Catherine and Kerry,

We received an inquiry through the PFAS in Pesticide Packaging inbox regarding certain active ingredients in pesticides (Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon) and whether they are considered PFAS. I tried to answer two of the questions using some of our previously approved responses, but will need your help in answering the others. We don't have a strict deadline on these, but would like to have an answer prepped by Wednesday morning.

Here is the incoming message:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.
In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

> *"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."*

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?
4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Ex. 5 Deliberative Process (DP)

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

Ex. 5 Deliberative Process (DP)

3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 4/2/2021 2:59:31 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: 4/2 General Agenda
Attachments: Agenda K Leifer General 4.2.2021 (003).docx

Attached is agenda—I may be up to 5 min late to the meeting

_____

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

Kerry Leifer General – 4/2/2021

Agenda

CITAB Hiring/Staffing

- Ex. 6 Personal Privacy (PP)

Acute Toxicity

- Ex. 5 Deliberative Process (DP)

Inert Ingredients

- Ex. 5 Deliberative Process (DP)

Product Chemistry

- Ex. 5 Deliberative Process (DP)

Other CITAB issues/activities

- CITAB Office hours—3/17 2-3 pm—lots of PC questions, next session to be scheduled for week of 4/5
- CSF/Fast Track Training –2nd session held 3/2—follow up training? (Bo absence)
- SWAT Front End Team (CSF actions) – training held 3/3—follow up training (Aswathy reports this is going well so further training not needed at this time.)
- Additional funding for contractor—done?
- CSF Images and Documentum/ITRMD

Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 4/2/2021 5:42:36 PM
To: Lara, Rhina [Lara.Rhina@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]
CC: Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Qian, Yaorong [qian.yaorong@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA
Attachments: POM.EQI April 2021 Draft Agenda 4.1.2021.docx

Greetings all,

A big thanks to Rhina for the PFAS questions breakdown! Can we assume that for the first group where responses were sent, those are already approved as well? Appreciate the offer to share those responses, I think it'd be good for BEAD/RD to have these if they don't already.

Sounds like we're good on the third group of questions that can be answered with existing questions as well.

For the 2nd group of questions, wondering if the 2nd group that's drafted might be approved by 4/12 when the SFIREG Joint Working Committee meeting takes place? If not, we could just inform that we're working on those.

For the 4th group where there are no drafts, I've noted the divisions I think might be lead (in blue below), but for the group, please feel free to correct! Here again, not sure if we'll get clearance in advance of the SFIREG JWC.

Lastly, we've received an updated draft agenda for the SFIREG Joint Working Committee meeting. There are two PFAS sessions, and I'll follow up with BEAD and OECA on thoughts for speakers at those sessions.

Many thanks and a happy Friday to all!

Sandra O'Neill
919 323 7926

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Thursday, April 1, 2021 4:30 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra,

Thanks for sending these over. Looking at these questions, we have answered some of these in the past because they have come through our PFAS in Packaging inbox. I've divided the questions in categories so that we know what we have already worked on and what information is already out there.

Received through PFAS packaging inbox, response was sent – Let me know if you'd like me to share these responses with you.

- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?
- Is there a Safety Data Sheet (SDS) for the packaging?
- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?

Received through PFAS packaging inbox, response drafted and undergoing approval process

- What is the definition of a PFAS compound in the context of pesticides?
- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?
- Will there be a similar response from EPA regarding Permanone 30-30?

New questions that can be answered with existing language – no need to undergo approval process

- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry? The agency is encouraging the pesticide industry to explore alternative packaging options, like steel drums or non-fluorinated HDPE. In a shared interest to remove PFAS from the environment, if companies find PFAS in their product, they should notify EPA and take action to remove contaminated product. If product packaging is suspected as a source and you are considering replacing the packaging, please consult with EPA on data to be submitted for review prior to distribution of the pesticide product with the alternative packaging.
- Methods used for determination. Will BEAD be sharing their validated methods with states? Testing was performed by rinsing both the interior and exterior (when appropriate) of the container with methanol and analyzing the rinsates using a method modified from the EPA Method 537.1.
- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could

an update be given on the effort to clean up the inert database? EPA continues to update its public-facing InertFinder database to remove legacy entries for chemicals that are not currently in use.

New questions that need responses drafted – will need to undergo the approval process

- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS. BEAD/OECA?
- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing? If not, is there reason similar containers are not being used to perform the leaching studies? BEAD?
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they? BEAD?
- What consideration, if any, is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers? Not sure if this is OCSPP
- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing? BEAD?

Hope this helps in providing a status as to where we are with all of these inquiries. Let me know if you have any questions!

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: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 9:11 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Aubee, Catherine

<Aubee.Catherine@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks, Kimberly for the quick response and good question on clearances. For the SFIREG meetings, each division pursues clearance of any materials (talking points/presentations, etc.).

In the case of PFAS, since there's a mailbox set up for incoming questions, wondering if there might already be prepared responses to some of these questions (or similar questions).

Shamus/Rhina, might this be the case for any of the questions below? If so, would be a good to use any pre-cleared responses.

Thanks,

Sandra O'Neill
919 323 7926

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Wednesday, March 31, 2021 4:28 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: FW: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

FYI, we just rec'd from Sandra some advance questions from SFIREG on PFAS. I've added my initial thoughts in blue, and highlighted questions on which we'll need input from others (RD, OPPT, IO).

Sandra, I don't have any follow-up for SFIREG, but are you pursuing the process for formal clearance?

Thanks,
Kimberly

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

As a follow-up to the 3/10 SFIREG Joint Working Committee walk-through meeting, SFIREG has sent questions for the PFAS and Dicamba sessions (SFIREG JWC to take place April 12-13). We've informed SFIREG that EPA goes through clearance processes for questions submitted in advance, and these may not have arrived in time to get senior level clearance. If that's the case for these questions, may be good to plan for a back pocket response appropriate for a public meeting, offering a full response at a later time to give time for clearances.

FYI: We have not yet received an updated agenda from SFIREG. We've also passed on Pentachlorophenol questions to AD.

Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

PFAS

During the joint session on Monday, could EPA address the following:

- What is the definition of a PFAS compound in the context of pesticides?

Ex. 5 Deliberative Process (DP)

- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS

Ex. 5 Deliberative Process (DP)

- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?

Ex. 5 Deliberative Process (DP)

- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals? RD

- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database? RD
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response? RD
- Will there be a similar response from EPA regarding Permanone 30-30?

Ex. 5 Deliberative Process (DP)

- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?

Ex. 5 Deliberative Process (DP)

- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies? Ex. 5 Deliberative Process (DP) Ex. 5 Deliberative Process (DP)
- Is there a Safety Data Sheet (SDS) for the packaging? Ex. 5 Deliberative Process (DP)
- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry? Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment? Ex. 5 Deliberative Process (DP)
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers? Ex. 5 Deliberative Process (DP)
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries? OPPT?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging? Ex. 5 Deliberative Process (DP)
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they? Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers? ???

During the EQI breakout on Tuesday, the committee would like to continue discussions and address some additional topics:

- Methods used for determination. Will BEAD be sharing their validated methods with states? Yes, will be sharing with states and publicly
- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing? Yaorong/Thuy can easily handle during the SFIREG meeting.

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 4/6/2021 11:50:04 AM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: general with Ed
Attachments: OPP General Notes 4-6-2021 .docx

Can you send edits/updates by 10 am?

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – April 6, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Pet incidents 3/31st (complete)
- FDA/EPA jurisdiction 4/12th
- Antibiotics – TBD

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB)
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB) – FD with RD-IO for review
- Picarbutrazox – completed!
- Fluxametamide – completed!
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)
-
-
-

- Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- FDA/EPA jurisdiction – follow up briefing for Ed 3/10th – RD sent an email for Soloman; anything else needed?
- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Ex. 5 Deliberative Process (DP)?
- **PFAS** – RD working with Clark on submissions
  - Ex. 5 Deliberative Process (DP)
- Inerts meeting with CLA – waiting on additional information from CLA
- FLS/FLAG: debuted Performance Management Toolkit for Federal Supervisors last week; interest from other AA/Regional FLAG reps in sharing it with their supervisors
- 24c for cannibas – J. Housenger letter; OPP position?

Business/process/technology

- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
  - **Michal feedback on expediting all covid actions? Any updates?**
- eCSF/OPPEL – OPP priority? – ITRMD report May soft launch; requesting time at an OPP staff meeting

Speaking Engagements –

People/Personnel/Resources

- Ex. 5 Deliberative Process (DP)

Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

Ex. 5 Deliberative Process (DP)

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 4/6/2021 1:28:03 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: general with Ed
Attachments: OPP General Notes 4-6-2021_.docx

Here's a version with some suggested edits.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, April 6, 2021 7:50 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: general with Ed

Can you send edits/updates by 10 am?

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – April 6, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Pet incidents 3/31st (complete)
- FDA/EPA jurisdiction 4/12th
- Antibiotics – TBD

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB)
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB) – FD with RD-IO for review
- Picarbutrazox – completed!
- Fluxametamide – completed!
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Formatted: No bullets or numbering

Other Actions - AA-Level/OD/High Visibility Items

- FDA/EPA jurisdiction – follow up briefing for Ed 3/10th – RD sent an email for Soloman; anything else needed?
- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
  - Grignard – other states
  - Kraton – bi-weekly meetings; 4/21st target completion; CDC new guidelines on surfaces
  - Ionopure Air
  - Acteev Facemasks
- OIG Audits
  - Ex. 5 Deliberative Process (DP)
- **PFAS** – RD working with Clark on submissions
  - Ex. 5 Deliberative Process (DP)
- Inerts meeting with CLA – waiting on additional information from CLA
- FLS/FLAG: debuted Performance Management Toolkit for Federal Supervisors last week; interest from other AA/Regional FLAG reps in sharing it with their supervisors
- 24c for cancannabis sativa – J. Housenger letter; OPP position?

Business/process/technology

- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
  - **Michal feedback on expediting all covid actions? Any updates?**
- eCSF/OPPEL – OPP priority? – ITRMD report May soft launch; requesting time at an OPP staff meeting

Speaking Engagements –

People/Personnel/Resources

- Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

-

Ex. 5 Deliberative Process (DP)

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 4/6/2021 3:00:43 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]
CC: Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RD general
Attachments: OPP General Notes 4-6-2021.docx

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – April 6, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Pet incidents 3/31st (complete)
- FDA/EPA jurisdiction 4/12th
- Antibiotics – TBD

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB)
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB) – FD with RD-IO for review
- Picarbutrazox – completed!
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Other Chemical Actions

- Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- FDA/EPA jurisdiction – follow up briefing for Ed 3/10th – RD sent an email for Soloman; anything else needed?
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  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Draft d Ex. 5 Deliberative Process (DP) ;
- **PFAS** – RD working with Clark on submissions
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- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
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- eCSF/OPPEL – OPP priority? – ITRMD report May soft launch; requesting time at an OPP staff meeting

Speaking Engagements –

People/Personnel/Resources

- Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

- Ex. 5 Deliberative Process (DP)

Message

From: Layne, Arnold [Layne.Arnold@epa.gov]
Sent: 3/5/2021 12:06:40 PM
To: OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]
CC: Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Subject: NOTES -- FW: IO Leadership Check-In: "Thursdays at 3" - NOTES
Attachments: OCSPP IO Leadership Check-in AGENDA 030421.docx

Notes from the OCSPP IO Leadership Check-in meeting on Thursdays at 3PM. FYI> Arnold

All my best, Arnold

Yestersday is the Past.
Tomorrow is the Future.
Today is a Gift…that's why it's called the Present!
Arnold E. Layne, MS, MPA
Deputy Office Director for Management
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
202-365-7645

From: Tyler, Tom <Tyler.Tom@epa.gov>
Sent: Thursday, March 4, 2021 3:21 PM
To: OCSPP IO Generals and Briefings <OCSPP-IO-Generals-and-Briefings@epa.gov>; Altieri, Sonia <Altieri.Sonia@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Hofmann, Angela <Hofmann.Angela@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Malloy, Ruth <malloy.ruth@epa.gov>; Collazo Reyes, Yvette <CollazoReyes.Yvette@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>
Cc: Anderson, Monique <anderson.monique@epa.gov>; Smith, Peterj <Smith.Peterj@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Mayes, Desmond <Mayes.Desmond@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Carlisle, Sharon <Carlisle.Sharon@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: IO Leadership Check-In: "Thursdays at 3" - NOTES

INTERNAL DELIBERATIVE

Thomas Loy Tyler, Esq. **Chief of Staff**
Office of Chemical Safety and Pollution Prevention
United States Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC 7101M), Washington, DC 20460
he/him/his **Ex. 6 Personal Privacy (PP)** tyler.tom@epa.gov OCSPP/IO 3148A East

-----Original Appointment-----
From: Brown, KendraR **On Behalf Of** OCSPP IO Generals and Briefings
Sent: Tuesday, March 2, 2021 2:21 PM
To: OCSPP IO Generals and Briefings; Altieri, Sonia; Hanley, Mary; Keigwin, Richard; Siciliano, CarolAnn; Hofmann, Angela; Dinkins, Darlene; Pierce, Alison; Malloy, Ruth; Collazo Reyes, Yvette; Kaiser, Sven-Erik; Henry, Tala; Hughes, Hayley; Hartman, Mark; Tyler, Tom
Cc: Anderson, Monique; Smith, Peterj; Messina, Edward; Mayes, Desmond; Goodis, Michael; Richmond, Jonah; Layne, Arnold; Freedhoff, Michal; Brown, KendraR; Carlisle, Sharon; Dennis, Allison
Subject: IO Leadership Check-In: "Thursdays at 3"
When: Thursday, March 4, 2021 3:00 PM-3:55 PM (UTC-05:00) Eastern Time (US & Canada).
Where: Microsoft Teams Meeting

Dear Colleagues,

We're replacing our Friday and Monday morning leadership meetings with a single, recurring meeting Thursday afternoons at 3. Our last Friday 9am meeting will be this Friday. We will then meet next on Thursday, March 4th at 3pm.

The "Thursdays at Three" meeting will be used for AA, Congressional, and IO updates and discussions; checking in as needed on actions/events/strategies for the coming two weeks or more; and anything else timely and not otherwise addressed in program and other generals or check-ins. Participation will be the same as the Monday morning "8:30" meeting that is ending.

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)

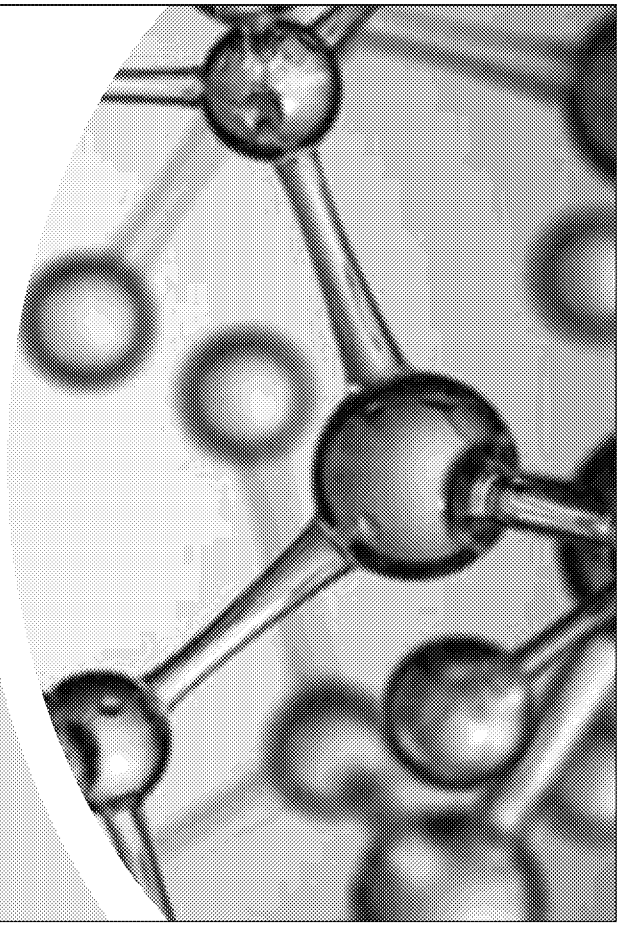
Ex. 6 Personal Privacy (PP)

Find a local number | Reset PIN

By participating in EPA hosted virtual meetings and events, you are consenting to abide by the agency's terms of use. In addition, you acknowledge that content you post may be collected and used in support of FOIA and eDiscovery activities.

Learn More | Meeting options

New PFAS Chemicals: Approaches and Path Forward



New Chemicals Division

February 22, 2021

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 4/9/2021 9:32:02 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]
CC: Aubee, Catherine [Aubee.Catherine@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]
Subject: RE: ED Questions: Responses to states on PFAS in containers issue

On the definition issue, I think that Catherine has the latest language.

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Friday, April 9, 2021 4:23 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Subject: RE: ED Questions: Responses to states on PFAS in containers issue

Thanks. Yes I made a similar point on some other coms materials related to PFAS this week. Catherine might have the latest on the PFAS definition working with OPPT. Kimberly can you help Cheryl with some language?

Ed

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: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 2:16 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: ED Questions: Responses to states on PFAS in containers issue

Hi Ed – folks sent me the attached PFAS in containers responses to states. Rick and Michal asked me to check with you on the following issues with this response. Let me know what you think. Thanks.

From Rick and Michal on the Minnesota inquiry:

- Ex. 5 Deliberative Process (DP)

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, April 9, 2021 2:08 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

There is some new PFAS definition issue you should raise with Ed.

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 1:59 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Regarding the definition of PFAS, this is something I worked w/ folks on recently (last week I think). Tala provided this info on how OPPT defines PFAS and confirmed we're using the same definition in this case as well.

I can do some more work on the FL one.

Thanks.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Friday, April 9, 2021 1:56 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Thanks Cheryl.

Ex. 5 Deliberative Process (DP)

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 09, 2021 1:48 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: Michal/Rick: Responses to states on PFAS in containers issue

Hi Rick/Michal – I understand from Allison that she used to run responses back to the states/other stakeholders on the PFAS in containers issue by you before sending back out. Attached are responses to questions from the Florida Department of Agriculture and Minnesota Department of Agriculture that came in through our PFAS in pesticide packaging email box. There's no "breaking news" in these responses, and they've been adapted from vetted/approved content that we've provided before (to other inbox inquiries from stakeholders, press or on the website).

Let me know if you'd like to continue reviewing these more standard responses or if you're ok with just an FYI. Thanks.

Cheryl Dunton
Acting Deputy Division Director and Communications Director
Communication Services and Information Division
Office of Chemical Safety and Pollution Prevention
202-564-4893

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 4/29/2021 7:00:59 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: K. Leifer General-- Agenda 4/29/21
Attachments: Agenda K Leifer General 4.29.2021 .docx

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

Kerry Leifer General – 4/29/2021

Agenda

CITAB Hiring/Staffing

- Status of Inert Team Leader hiring –Interviews to commence next week
- Additional hire(s)
- Student Contractor status?
- NOWCC—interviews to be concluded next week (last three of six candidates). Selection to follow.

Acute Toxicity

- Process improvements for review assignments and scheduling –issue regarding notification of withdrawn actions under review, particularly contractor review
- Development of Acute Tox Priority Spreadsheet for RD
- NAMs—discussion with AD and BPPD regarding *in vitro* alternative tests, particularly for eye irritation. Second of two IIVS Sessions in April held on 4/8—all AT Team members attended.
- Corteva proposal for alternative testing for acute tox
- Allen Triplett selected for CATSAC

Inert Ingredients

- Propylene glycol and Ray McAllister/CLA et al proposal. Draft Phase 1 letter circulated earlier this afternoon—hopefully for signature.
- PFAS
    - table of PEER inerts from InertFinder updated with columns for whether it is PFAS per OPPT definition or OECD **draft** definition
    - Meeting with Jeff Dawson 5/4/21
- Commodity Inert Ingredients. To be updated once Phase 1 letter signed
- Fragrance tolerance exemption petitions—Pat Quinn inquiries—team has developed action plan
- Inert Team working on spreadsheet of all pending inert actions with eye to efficiencies in assignments/roles
- Bullets of steps being taken to address inert petition backlog being drafted, will be finalized by team next week.

Product Chemistry

- Self-Certification—still awaiting OGC response to PR 98-1 certification statement—Allison Payne emailed 2/4
- ACB PC reviewer process continues - assignments made in conjunction with May prioritization
- SWAT TEAM – 2 FHB reviewers, one HB reviewer (started week of 3/8)
- PFAS—review of Clarke products. First batches of reviews completed. Additional actions from other registrants now in queue.

- Discussion with RAB8 (held 4/14)—product chemistry information provided to Amy Babcock for consideration in assignment/conduct of reviews

Other CITAB issues/activities

- Midyears and awards completed.
- PFAS—Results of substructure search for PFAS in active ingredients
- Summitec contract—in last option year. Any word on new contract?
- CITAB Office hours—3/17 2-3 pm—lots of PC questions, 4/5 1-2 pm, also lots of PC questions
- CSF/Fast Track Training –2nd session held 3/2—follow up training? (Bo absence)
- SWAT Front End Team (CSF actions) – training held 3/3—follow up training (Aswathy reports this is going well so further training not needed at this time.)
- Additional funding for contractor—completed. Quarterly briefing with RD IO scheduled
- CSF Images and Documentum/ITRMD
- CITAB staff questions/concerns regarding USA Access Credential and move prep.

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 4/27/2021 5:17:22 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: RE: REVIEW: Follow up questions re.: PFAS in certain pesticides

Thanks, Kimberly! I'll coordinate with OGC.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, April 27, 2021 1:17 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: Follow up questions re.: PFAS in certain pesticides

Nothing additional from me – I just made that note in the file. Thanks.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, April 27, 2021 1:15 PM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: RE: REVIEW: Follow up questions re.: PFAS in certain pesticides

Thanks so much, Catherine! I appreciate all your help.

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: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, April 27, 2021 1:00 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: Re: REVIEW: Follow up questions re.: PFAS in certain pesticides

I responded to the comment. I won't have a chance to look at this again today. Hope this is enough for you to make any necessary clarifications and move it forward. Thanks!

Best,
Catherine
Associate Director
OPP Registration Division
US Environmental Protection Agency

On Apr 27, 2021, at 12:27 PM, Lara, Rhina <Lara.Rhina@epa.gov> wrote:

Hi Catherine and Kimberly,

Erin and Stephanie left comments on the responses to the Bloomberg inquiry. Could you take a quick look? The main issue is the PFAS definition response, which I know is still in the works.

https://usepa.sharepoint.com/:w:/s/OCSPPCommunicationsBranch/EVbW-KsOGbhBv7IxUs_KSCwB17t8XV48BVwyqFTuuJrr8A?e=uAcgIH&CID=DF307F7B-E691-4104-9AF0-D1EEFA78A92B&wdLOR=c9CCE95A9-574C-4650-9C32-4CAF9338A48F

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, April 27, 2021 11:40 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Schwarz, Stephanie <Schwarz.Stephanie@epa.gov>
Subject: RE: REVIEW: Follow up questions re.: PFAS in certain pesticides
Importance: High

Rhina,

I've added a couple comments/questions that may need to be run by the program. I'm also cc'ing Stephanie Schwarz here, who has been our point person on PFAS for OPPT who may have additional comments. Stephanie -- can you take a quick look?

Erin

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Tuesday, April 27, 2021 10:07 AM
To: Koch, Erin <Koch.Erin@epa.gov>
Cc: Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>
Subject: REVIEW: Follow up questions re.: PFAS in certain pesticides
Importance: High

Hi Erin,

We have a new press inquiry from Pat Rizzuto at Bloomberg Law. I drafted answers and have run them by BEAD and RD, but would also appreciate your feedback and review.

We have a quick turnaround on this one, so I would appreciate your edits by **2 PM today.**

4-26 Bloomberg Inquiry, PFAS in Pesticides

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: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Monday, April 26, 2021 1:00 PM
To: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: FW: Follow up questions re.: PFAS in certain pesticides

See new press inquiry from Pat on PFAS in containers.
Deadline Wednesday.

From: Rizzuto, Pat <prizzuto@bloombergindustry.com>
Sent: Monday, April 26, 2021 12:55 PM
To: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Follow up questions re.: PFAS in certain pesticides

I'm still working on the EPA investigating PFAS in certain pesticides story, and I've got some additional questions I hope you can help with. There are mostly from state officials with whom I've spoken:

1) If states have stocks of Anvil 10+10 and/or Permanone 30-30 what should they do with those existing stock?
2) If states have HDPE containers that held either of those pesticides, who should they be disposed of?
3) Will EPA require registrants to take back either existing, unused product OR empty HDPE containers?
4) When Ed Messina told me that the EPA's message is that PFAS shouldn't be in pesticides, was he referring only to the long-chain, known to be problematic compounds such as PFOA and PFOS and to GenX?
5) Does EPA have any new data from its research on Anvil 10+10, Permanone, and/or the containers since I spoke to Ed and Kimberly almost exactly a month ago? Any new guidance to share that's not already on its website: https://www.epa.gov/pesticides/pfas-packaging

Deadline: This isn't a strict deadline yet, but my editor is encouraging me to finish the story this week. So could I hear back from you by mid-day Wednesday?

: : : : : : : : : : : : : : : : : :

Pat Rizzuto

(*she/her*)
Sr. Chemicals Reporter

Bloomberg Law's Environment Desk

Temporarily (202) 441-2729
prizzuto@bloombergenvironment.com
@patrizzuto

Message

From: Ozmen, Shamus [Ozmen.Shamus@epa.gov]
Sent: 5/4/2021 7:54:17 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
CC: Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]
Subject: RE: PFAS in Pesticides MN call

Hi,

Bring this back from several days ago regarding a call with MN before responding with a written answer back. Rick and Michal had said they believe the inquiry and our responses merit a call to the Minnesota Department of Agriculture since the nuance in our answers may need additional explanation. Did this call happen and we can now follow-up to their email inquiry via the pfasinpesticide@epa.gov inbox?

Here is the written response to the questions which are approved but on hold until the call was done: MN Dept of Ag PFAS in Pesticides Inquiry

Thanks,
Shamus

From: Dunton, Cheryl
Sent: Thursday, April 22, 2021 6:24 AM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: ED Questions: Responses to states on PFAS in containers issue

Thanks Ed and apologies for not copying others.

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Wednesday, April 21, 2021 8:23 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: ED Questions: Responses to states on PFAS in containers issue

We can reach out to MN. Thanks. Please include Mike and Darlene in messages to me. Will ensure a more timely response.

Ed

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: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Wednesday, April 21, 2021 1:57 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: ED Questions: Responses to states on PFAS in containers issue

Hi Ed – I wanted to check in w/ you again on this. I have a revised response to PFAS definition question submitted by MN on the containers issue. Rick and Michal both wanted to know if someone could call MN and walk them through the full set of responses once they are cleared. Is that something OPP can do? I want to be able to tell Michal/Rick when I send these responses back around to them. Thanks.

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 2:16 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Subject: ED Questions: Responses to states on PFAS in containers issue

Hi Ed – folks sent me the attached PFAS in containers responses to states. Rick and Michal asked me to check with you on the following issues with this response. Let me know what you think. Thanks.

From Rick and Michal on the Minnesota inquiry:

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-
-

Ex. 5 Deliberative Process (DP)

From: Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Sent: Friday, April 9, 2021 2:08 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

There is some new PFAS definition issue you should raise with Ed.

Michal Freedhoff, Ph.D.
Acting Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 9, 2021 1:59 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Regarding the definition of PFAS, this is something I worked w/ folks on recently (last week I think). Tala provided this info on how OPPT defines PFAS and confirmed we're using the same definition in this case as well.

I can do some more work on the FL one.

Thanks.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Friday, April 9, 2021 1:56 PM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Freedhoff, Michal <Freedhoff.Michal@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: RE: Michal/Rick: Responses to states on PFAS in containers issue

Thanks Cheryl.

Ex. 5 Deliberative Process (DP)

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Friday, April 09, 2021 1:48 PM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Richmond, Jonah <Richmond.Jonah@epa.gov>
Subject: Michal/Rick: Responses to states on PFAS in containers issue

Hi Rick/Michal – I understand from Allison that she used to run responses back to the states/other stakeholders on the PFAS in containers issue by you before sending back out. Attached are responses to questions from the Florida Department of Agriculture and Minnesota Department of Agriculture that came in through our PFAS in pesticide packaging email box. There's no "breaking news" in these responses, and they've been adapted from vetted/approved content that we've provided before (to other inbox inquiries from stakeholders, press or on the website).

Let me know if you'd like to continue reviewing these more standard responses or if you're ok with just an FYI. Thanks.

Cheryl Dunton
Acting Deputy Division Director and Communications Director
Communication Services and Information Division
Office of Chemical Safety and Pollution Prevention
202-564-4893

Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 5/6/2021 9:16:17 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for May 6, 2021

OCSPP Daily News Round-Up

Toxics

- Chemical Watch 05/06; More limits possible on TSCA new chemicals review exemptions for PFASs
- Chemical Watch 05/06; Global project aims to advance green alternatives to POPs, mercury, microplastics
- Inside EPA 05/05; ATSDR Maintains Strict Draft PFAS Risk Levels In Final Toxicity Report
- Inside TSCA 05/05; IRIS Eyes 'Modular' Methylmercury Study To Speed Developmental Findings
- Inside TSCA 05/05; Groups Clash On Whether NTP Report Justifies PFOA Prop. 65 Cancer Listing
- Inside TSCA 05/06; Vermont Legislature Backs PFAS Ban For Many Consumer Products
- JD Supra (Saul Ewig Arnstein & Lehr) 05/05; EPA Announces Expanded Chemical Reporting Requirements
- The Fayetteville Observer 05/06; 'Canary in a coal mine': Scientists test alligators for PFAS chemical compounds
- The Intercept 05/06; INSPECTOR GENERAL REBUKES EPA FOR FAILING TO PROTECT COMMUNITIES FROM CARCINOGENIC AIR POLLUTION

Pesticides

- Crop Life 05/05; Court Ruling Starts Clock Ticking for Chlorpyrifos
- Inside EPA 05/05; Environmentalists Press EPA To Ban Chlorpyrifos After 9th Circuit Ruling

Blog/OpEd/Other

- Bergeson & Campbell Blogs 05/06; Senate Committee Will Hold Hearing on Nominee for EPA Assistant Administrator for Chemical Safety and Pollution Prevention
- Chemical Watch 05/06; Former US EPA staff call on the agency to reactivate endocrine screening

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More limits possible on TSCA new chemicals review exemptions for PFASs

Julia John, Chemical Watch
https://chemicalwatch.com/259727/more-limits-possible-on-tsca-new-chemicals-review-exemptions-for-pfass

There is a "good chance" the US EPA will further limit TSCA new chemicals programme exemptions for approving per- and polyfluoroalkyl substances (PFASs), an attorney with a leading environmental law firm has said.

NGOs say closing these "loopholes" would ensure the agency thoroughly assesses the potential harms linked to the persistent compounds before they enter US commerce. But some industry stakeholders do not agree that current reviews are insufficient.

The EPA announced last week that TSCA low volume exemptions (LVEs) for PFASs would probably be denied. NGO petitioners spearheaded by Earthjustice, however, want the agency to completely close the door on permitting new PFASs via the LVE or other exemptions from the full pre-manufacture notice (PMN) review process.

The byproducts exemption, for example, enables manufacturers to list non-commercial compounds resulting from the production, processing, use or disposal of a commercial substance on the latter's PMN application, allowing byproducts to avoid separate evaluation. PMN submitters need only provide a byproduct's name, class, or range of structures, according to the agency's instructions for reporting under the new chemicals review programme.

"EPA does not even gather information about PFAS byproducts," noted Suzanne Novak, a staff attorney at Earthjustice. "They go through no safety review. And we have no idea how widespread they are."

The LVE authorises more PFASs than the PMN process itself, she added, so the agency's recent declaration could make the limited release and exposure (LoREX) exemption "the new attractive option for high-toxicity substances to evade PMN review".

The EPA "should immediately make clear it will not be considering LVE and LoREX applications for PFASs and start a rulemaking process to codify that", Ms Novak said. Companies should "seek PMN review for all new PFASs and any PFASs currently used or produced that have not [already] gone through [this]".

According to the agency, it has granted 660 PFAS LVEs and received no PFAS LoREX exemption requests. It told Chemical Watch that it "is in the process of reviewing the policies and procedures related to the agency's review of new chemicals under TSCA".

There is some optimism among the environmental community that the agency could take further action.

"There is a good chance that the EPA will eliminate all of the exemptions related to PFASs" to gain more time to thoroughly evaluate and approve them, said John Gardella, a shareholder at CMBG3 Law. "This approach would be in line with the current EPA's and the Biden administration's more centrist approach to regulatory change, ensuring that the science supports regulatory decisions," he told Chemical Watch.

Dissenting view

Removing exemptions for PFASs has downsides, according to Robert Helminiak, the Society of Chemical Manufacturers and Affiliates (Socma)'s vice president of legal and government relations. He said the EPA accepts an exemption request only if "able 'to affirmatively find' that granting the application 'will not present an unreasonable risk.'"

Mr Helminiak told Chemical Watch that by restricting exemptions for an entire group of compounds, the agency "will no longer be considering the safety profile of individual chemicals and making appropriate risk-based determination on each unique case". A class-based strategy "is not justified by science and would ultimately inhibit commercial innovation", he added.

Tom Berger, a partner at Keller & Heckman, disagreed with Earthjustice's view that the agency's announcement on LVEs could open the floodgates for LoREX exemptions.

"A substance deemed by EPA to be ineligible for an LVE likely would meet the same fate under the LoREX rule" due to the agency's veto authority over these exemptions, he said.

Also, "byproducts associated with a PMN substance are fair game for EPA review as part of the agency's overall PMN review," Mr Berger added. "For perfluoro-substances, where...

Global project aims to advance green alternatives to POPs, mercury, microplastics
Leigh Stringer, Chemical Watch
NA

US research university Yale has set up an international project to create and scale up 'green' alternatives to three persistent organic pollutants (POPs), mercury and microplastics.

Yale and partners of the project, called the Global Green Chem Innovation and Network Programme (GGNIP), have chosen to focus on the specific POPs hexabromocyclododecane (HBCD), short-chained chlorinated paraffins (SCCPs) and perfluorooctanesulfonic acid (PFOS) because of their prevalence in some developing nations.

HBCD is a brominated flame retardant used primarily in extruded and expanded polystyrene foam. SCCPs are used as flame retardants and plasticisers in paints, adhesives and sealants. PFOS is a member of the broader class of per- and polyfluoroalkyl substances (PFASs) and used in products for its water and stain resistance.

All three are banned under international treaty the Stockholm Convention on persistent organic pollutants (POPs).

According to Professor Karolina Mellor, programme administrator at Yale's Center for Green Chemistry and Green Engineering, the Stockholm Convention bans many other POPs without exemptions, while there are still some country-specific derogations in place for HBCD, SCCPs, PFOS and mercury.

Professor Mellor said microplastics are an ongoing problem worldwide and mostly produced unintentionally, making them a good target for reduction. The project will aim to develop solutions through the "conscious design of inherently nonhazardous alternatives using green chemistry principles", for example, by replacing them in textile microfibres with alternatives.

The work will initially focus on Indonesia, Jordan, Peru, Serbia, Uganda and Ukraine. This is because industries in the countries are still using these POPs and mercury. But it has also identified the potential to replace them with green chemistry alternatives. For example, Serbia has established green chemistry in university curriculums, has an extensive network of such experts and carried out awareness raising activities and research.

The others have either set up similar activities and/or are part of the United Nations Industrial Development Organization's (Unido) programmes, such as the Global Green Chemistry Initiative. This was formed in 2017 to increase global awareness and to deploy green chemistry approaches and technologies. The GGINP aims to build on the work of this programme.

Yale is partnering with the ministries and National Cleaner Production Centres of the six countries. Professor Mellor said they all have a strong relationship with academia, NGOs and industry and can strengthen

connections between these stakeholders, which historically have not had the opportunity to work together.

But more importantly, she added, they intend to have a global representation and include countries from Asia, Europe, Africa and South America, which can become regional hubs for green chemistry innovation.

Global network
While addressing the target substances, the project aims to establish a global network of chemists practising the 12 Principles of Green Chemistry. These were developed in 1998 by Yale's director of the Center for Green Chemistry and Green Engineering, Paul Anastas and co-founder of the Warner-Babcock Institute for Green Chemistry, John Warner.

This will "create an environment that supports green chemistry innovation and entrepreneurship", particularly in developing nations.

Professor Mellor said small, national green chemistry networks are dispersed and uncoordinated even though the majority strive to achieve the same goal of progress through research, innovation and education.

The GGINP "offers a unique opportunity to create a network of networks and to unify these efforts under the umbrella of innovation and entrepreneurship," she added.

Network members from around the world will benefit from training, guidelines, webinars and other resources that inform novel green chemistry trends in academic and industry research...

ATSDR Maintains Strict Draft PFAS Risk Levels In Final Toxicity Report
Diana DiGangi, Inside EPA
https://insideepa.com/daily-news/atsdr-maintains-strict-draft-pfas-risk-levels-final-toxicity-report?utm_source=dlvr.it&utm_medium=twitter

The Agency for Toxic Substances and Disease Registry (ATSDR) has released its final toxicological profile for per- and polyfluoroalkyl substances (PFAS), preserving without changes the minimal risk levels (MRLs) it proposed in 2018 -- all at levels more conservative than those EPA has used to craft its own exposure limits.

ATSDR, a federal agency within the Department of Health and Human Services, quietly posted the long-awaited final PFAS profile on its website May 5, with no accompanying Federal Register notice or other announcement that accompanied past drafts.

The document, which reviews a host of studies of human health impacts from PFAS, follows several drafts released since 2009 and has been closely watched for how it would use the findings from those studies to set MRLs -- chemical-specific estimate of the level of a chemical a person can be exposed to each day without a detectable non-cancer health risk.

And the final version appears to maintain unchanged 2018 draft MRLs for four of the most widely studied PFAS, including perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) -- both of which set off a scramble by the Trump administration to reconcile the gulf between ATSDR's numbers and the less-conservative values EPA used as health advisory levels for PFAS in drinking water.

For instance, ATSDR itself downplayed the idea that exposures above its limits would necessarily lead to health hazards, telling the public not to interpret the MRLs as cleanup or health standards.

"If someone is exposed to an amount above the MRLs, it does not mean that health problems will happen,"

ATSDR stated in a supplemental document released along with the draft. "When health assessors find exposures higher than the MRLs, it means that they may want to look more closely at a site. ATSDR works closely with [EPA] at both a national and regional level at sites where exposures are estimated to exceed health-based values such as MRLs."

The Trump EPA and Defense Department (DOD) originally sought to block the release of the 2018 draft over concerns that the proposed MRLs were stricter than EPA's advisory levels, with internal emails referring to a "potential public relations nightmare" if ATSDR released its tougher limits.

Even after the draft's release, officials continued to take a cautious approach to finalizing it, with agency director Patrick Breysse saying as recently as October 2020 at an interagency workshop on PFAS that ATSDR planned to hold back the profile for a while longer.

"We're looking at the literature as it evolves, and when new information is available, we will reconsider our toxicological profile, the numbers that we have in this draft document, and whether there's a need for additional numbers," Breysse said.

However, the final release of the document states that the toxicological profile has not been updated since March 2020, indicating that ATSDR saw no need to add new data.

Final MRLs

The MRL for PFOS is the same in the final profile as it was in the 2017 and 2018 draft versions, at 2x10^-6 milligrams/kilograms/day (mg/kg/day) -- a level 10 times more stringent than EPA's reference dose (RfD) of 2x10^-5 mg/kg/day, which the agency used in its 2016 health advisory for lifetime chronic exposure.

The final profile also keeps the intermediate oral MRL for PFOA from the 2017 and 2018 drafts, setting it at 3x10^-6 mg/kg/day, a level that is approximately seven times stricter than the RfD of 2x10^-5 mg/kg/day that EPA used in its 2016 health advisory.

ATSDR also set limits for perfluorohexane sulfonic acid (PFHxS) and perfluorononanoic acid (PFNA), neither of which has a corresponding EPA reference dose. The final profile retains the 2018 draft risk level of 2x10^-5 mg/kg/day for PFHxS, and 3x10^-6 mg/kg/day for PFNA.

It did not derive MRLs for the other PFAS it studied: perfluorodecanoic acid (PFDA), perfluoroundecanoic acid (PFUnA), perfluoroheptanoic acid (PFHpA), perfluorobutane sulfonic...

IRIS Eyes 'Modular' Methylmercury Study To Speed Developmental Findings
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/iris-eyes-modular-methylmercury-study-speed-developmental-findings

An EPA researcher says the Integrated Risk Information System (IRIS) office is adopting a "modular" approach to its update of the 2001 toxicity assessment of methylmercury (meHg) in order to more quickly complete key findings on developmental risks that could inform new policies on fish consumption -- the primary vector for meHg exposure.

Deborah Segal, EPA's co-chemical manager for the pending update to the meHg assessment, laid out a roadmap for the project at a May 4 workshop hosted by the Society for Birth Defects Research and Prevention and the Developmental Neurotoxicity Society, including scientists' efforts to complete their developmental neurotoxicity (DNT) analysis as quickly as possible.

She said that in an effort to better aid EPA's Superfund office, which first requested the assessment, IRIS staff have "decided to use a modular approach" to the assessment "instead of addressing every health endpoint, we are addressing developmental neurotoxicity first, in a separate module."

She said, "[d]evelopmental neurotoxicity has been the basis of the previous two IRIS reference doses for [meHg] and likely will be again." A reference dose (RfD) represents the maximum dose of a toxicant EPA estimates can be ingested daily over a lifetime without experiencing related adverse effects. Such a risk estimate can be used in cleanup decisions, regulations and other policy decisions.

While traditionally IRIS assessments focused on analyzing hazard and effects before undertaking dose-response analysis, Segal said that for the well-understood meHg, "we don't need to do that so we are going straight to dose-response" analysis.

But she said even the accelerated process is not expected to result in a public draft of the dose-response module until fiscal year 2023 -- which is consistent with IRIS' latest program outlook, released in March. That deadline falls some four years after EPA first released its meHg assessment plan for public comment in 2019, which was followed in May 2020 by a systematic review protocol.

And Segal continued that the office is planning a separate, second module, to be completed on a later schedule, that will evaluate meHg's cardiovascular effects.

"The reason for this, is because at lower levels than were seen in the three cohorts used to derive the RfD in 2001, we have seen some studies that indicate there are cardiovascular effects at these levels. There are also studies that show that there are not [cardiovascular effects]. We're going to investigate further. We think this is very important, that the public understands that meHg is not just detrimental to pregnant women and their children but that it could have negative health effects for the general population," she said.

The office is also wrestling with how to reconcile different mercury biomarker measurements and the need to develop additional assessment tools, Segal added.

Fish Consumption Advisories

Whatever results the IRIS process produces will be key to future guidance from EPA and the Food and Drug Administration (FDA) on fish consumption, especially to women of childbearing age and families with children.

The agencies have issued several joint fish-consumption advisories that seek to balance calls for pregnant women and children to eat more fish because they contain beneficial fats and oils that aid development, with concerns that American-caught fish are often contaminated with meHG, to the point where seafood is the primary exposure pathway for Americans.

Segal noted that some recent studies show that rice, produce and wine can also contain meHg, but seafood remains the primary exposure route.

The most recent update to the agencies' advisory was in 2019, and relied on the 2001 IRIS assessment for its toxicity data.

That dynamic -- where eating fish leads to both benefits and harms to development in fetuses and young children, has driven calls for EPA to conduct not a traditional IRIS risk analysis, but a net effects analysis that...

Groups Clash On Whether NTP Report Justifies PFOA Prop. 65 Cancer Listing
Curt Barry, Inside TSCA
https://insidecepa.com/tsca-news/groups-clash-whether-ntp-report-justifies-pfoa-prop-65-cancer-listing

Chemical industry representatives are clashing with environmental and health groups over whether a National Toxicology Program (NTP) report on the carcinogenicity of perfluorooctanoic acid (PFOA) provides adequate evidence for California to list the chemical as a cancer-causer under the state's Proposition 65 toxic warning law.

"[T]he findings of the NTP report are not supported by the available epidemiology studies, including occupational and large community populations," opines the American Chemistry Council (ACC) in May 3 written comments to California's Office of Environmental Health Hazard Assessment (OEHHA).

In contrast, a coalition of environmental and health groups, which include Environmental Working Group (EWG), Center for Environmental Health, Natural Resources Defense Council and Clean Water Action, argues the NTP study found that "PFOA causes cancer in male rats" and provided "'clear evidence of carcinogenic activity,'" thus supporting OEHHA's proposed listing, according to its May 3 comment letter.

Stakeholders are commenting on OEHHA's March 19 proposal to list PFOA as a carcinogen under Prop. 65 pursuant to the law's "authoritative bodies" mechanism. NTP is one of several organizations that OEHHA recognizes as an authoritative body under Prop. 65 "for the identification of chemicals as causing cancer."

NTP's May 2020 "Technical Report on the Toxicology and Carcinogenesis Studies of Perfluorooctanoic Acid Administered in Feed to Sprague Dawley Rats" found that PFOA "causes increased incidences of combined malignant and benign tumors at two sites (liver and pancreas) and increased the incidences of rare malignant tumors (hepatocellular carcinoma and pancreatic acinar cell adenocarcinoma) in male rats," the OEHHA notice says.

While PFOA and other per- and polyfluoroalkyl substances (PFAS) have long raised concerns over their potential immuno-toxic effects, NTP's technical report showed exposure to the chemical caused increased incidence of certain cancers, providing some of the strongest evidence so far of the chemical's carcinogenic potential.

In comparison, the International Agency for Research on Cancer (IARC) concluded in 2017 that PFOA is possibly carcinogenic to humans, while EPA concluded in 2016 that there was suggestive evidence of the carcinogenic potential of PFOA and PFOS, a similar long-chain PFAS, in humans, according to a draft toxicological profile of PFOA and other PFAS released by the Agency for Toxic Substances & Disease Registry (ATSDR) in 2018.

While PFOA was phased out of domestic production in 2002 and U.S. manufacturers eliminated PFOA emissions and product content at the end of 2015, the substance is still ubiquitous in the environment and in human blood, as well as in imported products.

Animal Data

ACC argues in its comment letter that much of the data on PFOA do not support NTP's findings.

For example, the group says that while a significant amount of genotoxicity and mechanistic data are available to evaluate results of the epidemiology and animal bioassay results, they do not support claims that the chemical is mutagenic in humans.

"Multiple in vivo and in vitro assays provide clear evidence that PFOA is not mutagenic and may only cause

genotoxicity at toxic concentrations. Consequently, it is generally agreed that PFOA causes tumors in laboratory animals via a non-genotoxic or epigenetic mechanism."

In addition, the group says that findings in laboratory animals are consistent with a mode of action known as peroxisome proliferator-activated receptor a (PPAR a) activation, which "is of uncertain relevance to humans. Consequently, there is not sufficient evidence to conclude that PFOA exposure presents a cancer risk to humans to justify its listing under Proposition 65."

Further, "This inconsistent evidence has led other authoritative bodies, including [IARC], the European Food Authority (EFSA) and [ATSDR], to conclude that the evidence for PFOA carcinogenicity remains...

Vermont Legislature Backs PFAS Ban For Many Consumer Products
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/vermont-legislature-backs-pfas-ban-many-consumer-products

Vermont's state legislature is unanimously supporting a bill that would ban per- and polyfluoroalkyl substances (PFAS) in a host of products, setting up what could be the first attempt by a state to implement broad, class-based limits on perfluorinated chemicals that environmentalists have sought for years under TSCA and state law.

The bill known as S. 20 has already cleared Vermont's state Senate on a unanimous vote and on May 4 won universal support in the state House of Representatives in a procedural vote, setting the stage for lawmakers to send the bill to Gov. Phil Scott (R), though there is no public timetable for its final passage.

S. 20 would restrict the "use, manufacture, sale and distribution" of several types of products made with PFAS, including firefighting foam, food packaging, rugs, carpets, ski wax, and aftermarket stain and water resistance treatments.

And the bill does not distinguish between individual PFAS, instead limiting the chemicals as a class and generally banning their use entirely rather than setting thresholds for their use.

For instance, its provision on packaging materials says, "A manufacturer, supplier, or distributor shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added in any amount."

That makes Vermont potentially the first state to back the push for class-based PFAS policy -- a move that some state officials and interstate groups as well as many environmentalists have said is necessary to address the thousands of known perfluorinated chemicals, but which industry says is an unwarranted and unworkable approach that would limit many chemicals not proven to be toxic.

It also adds PFAS to the state's list of chemicals of high concern to children, and separately imposes limits on products that include phthalates and bisphenols -- which several environmental and interstate groups have also sought to ban at the class level.

"I was extremely happy to see the overwhelming support for this bill," Kyla Bennett, New England director of the whistleblower group Public Employees for Environmental Responsibility (PEER), tells Inside TSCA. "Kudos to Vermont."

And she praised the bill for adopting a "broad definition of PFAS," calling that a "critical" element of the restrictions. S. 20 defines PFAS as a "class of fluorinated organic chemicals containing at least one fully

fluorinated carbon atom."

But other stakeholders have warned that if states set their own definitions of PFAS, rather than applying a unified, nationwide meaning for the term, it could create a patchwork of inconsistent or contradictory requirements for "PFAS-free" products that industry would struggle to satisfy.

For instance, members of EPA's State FIFRA Issues Research and Evaluation Group (SFIREG), which advises the agency on implementing the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), recently called for federal officials to craft a unified PFAS definition that would apply equally to the Toxic Substances Control Act (TSCA), other federal programs and state limits.

The lack of a federal definition "will cause discrepancy from state to state and make it difficult for registrants whose active ingredients or inert chemical formulae may fall into the definition of PFAS in one state but not another," Carrie Leach, who co-chairs SFIREG's Joint Working Committee (JWC), told Inside TSCA.

'An Excellent First Step'

Yet Bennett said she still sees the Vermont bill as too lenient in some areas, both because it applies only to certain products and because some of the restrictions fall short of a full ban. In particular, she noted that it only requires manufacturers of firefighting gear to notify purchasers that the products contain PFAS, calling that mandate "not enough."

"This is an excellent first step, but it is only a first step. We need to ban all non-essential uses of PFAS, which would extend this list...

EPA Announces Expanded Chemical Reporting Requirements
John Dixon and Pamela Goodwin, JD Supra (Saul Ewig Arnstein & Lehr)
https://www.jdsupra.com/legalnews/epa-announces-expanded-chemical-1349550/

Late last week, the United States Environmental Protection Agency (EPA) announced its latest environmental justice initiative aimed at expanding Toxic Release Inventory (TRI) reporting requirements to include additional types of chemicals and facilities. Environmental Justice is intended to ensure fair treatment and involvement of people regardless of race, color, origin or income in environmental regulation and enforcement. The TRI is a publicly available database that includes information on toxic chemical releases and waste management activities. The EPA announced its proposal to expand the list of chemicals covered by TRI reporting requirements, as well as public access to the database, in order to "advance Environmental Justice, improve transparency, and increase access to environmental information."

Expanded TRI Reporting Requirements

There are four key components of the EPA's announcement:

- Natural Gas Processing Facilities – The EPA is finalizing a proposed rulemaking that would include natural gas processing facilities on the list of industry sectors covered under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Natural gas processing facilities, which separate impurities from natural gas to create "pipeline quality" dry natural gas, would be required to follow TRI reporting requirements. This will increase the publicly available information on chemical releases and other waste management activities at natural gas facilities.
- Polyfluoroalkyl Substances (PFAS) - The EPA will continue to add new PFAS chemicals (also known as "forever chemicals") to the TRI reporting requirements. The EPA's authority to add PFAS chemicals to the TRI

comes from the 2020 National Defense Authorization Act, which added certain PFAS to the TRI automatically.
- Ethylene Oxide (EtO) - EtO is used to make industrial chemicals and sterilize medical devices. Contract sterilization facilities that utilize EtO have not historically been required to report EtO releases. Now, they will be required to do so because "[m]any of these facilities are located near areas with Environmental Justice Concerns."
- Toxic Substances Control Act (TSCA) Workplans - The EPA plans to propose adding to the TRI the chemicals included in the TSCA Workplan and other substances designated as high-priority substances under the TSCA.
What's Next?

There is immense public interest in environmental justice matters. In addition to the expanded TRI reporting requirements, the EPA has committed to enhancing its online search tools in an effort to make TRI information more accessible to the public. The EPA's announcement may result in new and increased public interest in certain facilities and chemicals that previously did not have to be reported to the TRI. While the reporting requirements described in the EPA's announcement will not take effect immediately, industry stakeholders should monitor agency rulemakings pertaining to TRI reporting requirements, including the EPA's proposed rulemaking that would add natural gas processing facilities to the TRI.

'Canary in a coal mine': Scientists test alligators for PFAS chemical compounds
Kristen Johnson, The Fayetteville Observer
https://www.fayobserver.com/story/news/2021/05/06/north-carolina-alligators-found-have-autoimmune-response-pfas-chemicals/4945275001/

In new studies on wildlife, researchers have found evidence that exposure to per- and polyfluoroalkyl substances, or PFAS, could harm an animal's immune system.

Alligators in the lower Cape Fear River had changes in their immune system that could indicate the development of autoimmune-like diseases in response to exposure to high-levels of the contaminants, according to information presented at a forum Tuesday related to the PFAS compound.

The PFAS family of chemicals has been used in products for decades. The compounds have been used to make cookware, food packaging, stain repellents and other products.

The PFAS group of chemicals includes GenX, which is manufactured by the Chemours company at its Bladen County plant. GenX has been connected to cancer and other diseases in animal studies, but it isn't known if the effect is the same on humans.

At the event hosted by the NC Policy Collaborative and the NC PFAS Testing Network, researchers presented new information about PFAS chemicals in animals and soil.

'Canary in a coal mine'
The GenX PPA is produced in this plant at the Chemours Fayetteville Works plant south of Fayetteville, N.C., Wednesday, May 30, 2018.
Last year, in a report released by N.C. State University, researchers found elevated levels of PFAS chemicals in the blood of Cape Fear River striped bass. The chemicals had an adverse affect on the immune and liver functions in the fish.

Scott Belcher, a research professor in toxicology at N.C. State, spearheaded the research to study PFAS exposure and what affect the chemicals had in fish and alligators in the Cape Fear watershed in 2018.

He presented new findings related to alligators at the forum Tuesday.

"Our study goals were then just to use these guys as kind of that proverbial 'canary in a coal mine,' to really look and see what kind of predictive affects we might be able to see in these animals that have had these chronic exposures," Belcher said.

More: Have we been eating potentially dangerous compounds in our food for years?

In testing of one population of alligators in the watershed, the health impacts were alarming, Belcher said. The team of researchers compared the animals living on the golf courses in proximity to the Cape Fear to the ones living in the river.

The alligators that were tested were in Lake Waccamaw and in the Cape Fear.

The researchers found markers of lupus-like immunity in the reptiles, as well as skin lesions and slow healing wounds.

Belcher said this was very rare in reptiles from other sites.

"Alligators are known to heal very, very quickly. Typically we've seen multiple alligators that have lost a leg to another alligator and those can heal up in a matter of weeks," Belcher said. "But we saw these very atypical lesion wounds."

Belcher said with this evidence, the team is building a case highlighting the immune differences in the animals that result in auto-immune diseases.

"The alligators, they're actually a really nice species for these types of exposures because they typically don't move very far," Belcher said. "We were looking at exposures trying to define how many different PFAS we could see in their blood and then looking at this question of bioaccumulation and bioconcentration, and impacts on their health."

More research will be conducted from these findings on the alligators to determine the extent of the chemicals' affects.

"We're now doing annual monitoring of alligators and fish," Belcher said.

More research is needed
Owen Duckworth, a soil and environmental biogeochemistry professor at NC State, presented updates at the forum on testing of chemicals in soil that produces crops people eat. He said researchers are trying to determine if contamination in soil can be transported into the edible parts of plants.

"We know that people are drinking water that has PFAS in it, or have been in the past...

INSPECTOR GENERAL REBUKES EPA FOR FAILING TO PROTECT COMMUNITIES FROM CARCINOGENIC AIR POLLUTION
Sharon Lerner, The Intercept
https://theintercept.com/2021/05/06/epa-ethylene-oxide-chloroprene-inspector-general/?utm_source=twitter&utm_campaign=theintercept&utm_medium=social

THE ENVIRONMENTAL PROTECTION AGENCY'S Office of Inspector General issued a report today taking the agency to task for its failure to protect communities from chloroprene and ethylene oxide. Both chemicals are carcinogenic air pollutants and pose particular risks to people living near plants that emit them.

"There are potentially unacceptable risks from chloroprene and ethylene oxide emissions in some areas of the country," according to the report, which notes that over 464,000 people living in more than 100 census tracts have a risk of cancer from air pollution greater than 100 in 1 million due to chloroprene and ethylene oxide. The Intercept tallied these toxic hotspots in a 2019 investigation and in 2017 began calling attention to chloroprene pollution in St. John the Baptist Parish, Louisiana, which has the highest risk of cancer from air pollution in the U.S., according to the most recent National Air Toxics Assessment.

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The report from the agency's watchdog pointed to the EPA's failure to update its technology reviews for four different categories of facilities that release these carcinogens, including commercial sterilizers and synthetic organic chemical manufacturing plants, which were both due to be reviewed by 2014.

As The Intercept reported in March, one of these synthetic organic chemical manufacturing plants, in Port Neches, Texas, emits so much ethylene oxide that it has increased the cancer risk in an area that stretches for more than 1,000 square miles. While the EPA did the modeling that showed the elevated cancer risk, it did not alert the people living there to the dangers they faced.

Related
Trump's EPA Helped Erase Records of Almost 270,000 Pounds of Carcinogenic Pollution
In April, the EPA inspector general issued another report tracing some of the agency's failures to protect communities from ethylene oxide pollution to a Trump appointee named Bill Wehrum, a former lobbyist for chemical and oil companies who ran the agency's Office of Air and Radiation until 2019.

Today's report also criticizes the EPA for failing to incorporate the agency's own science into its risk and technology reviews. A division of the EPA known as IRIS evaluated chloroprene in 2010 and ethylene oxide in 2016, finding both chemicals to be far more dangerous than previously thought. But the EPA did not update the regulations that would stop industrial facilities from emitting dangerous levels of the pollutants.

"Despite indications of elevated cancer risks from chloroprene and ethylene oxide emissions, the EPA has not incorporated new or revised [unit risk estimates] for chloroprene and ethylene oxide into the [Residual Risk and Technology Review] process for many source categories that emit these pollutants," the report stated. The inspector general called on the agency to conduct overdue technology and risk reviews and develop a process to do timely reviews in the future "when new or updated risk information becomes available."

"The kids go out at recess and deeply inhale the chemical into their lungs."
St. John the Baptist, an African American community where chloroprene is released by a plant that makes the synthetic rubber chloroprene, has been waiting years for the EPA to incorporate its science on the carcinogen into enforceable regulations. Recent air monitoring has shown that the levels of chloroprene still far exceed the EPA safety threshold for the chemical set in 2010. In September 2020, chloroprene levels were measured at 80 times the safe level that was set by the EPA, according to Wilma Subra, an environmental consultant who works with the residents of St. John the Baptist. Levels of the carcinogen remain extremely elevated near the Fifth Ward Elementary School, according to Subra. "The kids go out at recess and deeply inhale the chemical into their lungs," she said.

Robert Taylor, a founder of the group Concerned Citizens...

Court Ruling Starts Clock Ticking for Chlorpyrifos
Eric Sfiligoj, Crop Life
https://www.croplife.com/editorial/court-ruling-starts-clock-ticking-for-chlorpyrifos/

In mid-2020, a decision by the Ninth U.S. Circuit Court of Appeals regarding dicamba's registration sent the agricultural industry scrambling for clarity. Now, almost one year later, another active ingredient has been sentenced by the court.

On April 29, Ninth U.S. Circuit Court of Appeals, in a 2-1 decision, ordered the EPA to quickly determine whether the insecticide chlorpyrifos can remain on the market or must be banned because of some studies linking its use to brain damage in children. The agency has 60 days from the ruling to make this determination.

"The EPA has spent more than a decade assembling a record of chlorpyrifos' ill effects, U.S. District Judge Jed S. Rakoff wrote in the court's majority decision. "Yet, rather than ban the pesticide or reduce the tolerances to levels that the EPA can find are reasonably certain to cause no harm, the EPA has sought to evade, through one delaying tactic after another, its plain statutory duties.

In truth, chlorpyrifos was already on shaky grounds in many respects. California banned sales of the active ingredient in 2020, and other states such as New York have also moved to ban it. Furthermore, Corteva Agriscience, which had been the world's largest manufacturer of chlorpyrifos, stopped producing it last year.

Before this back during the Barack Obama Administration, there was an effort to ban the use of chlorpyrifos. However, this was rescinded during the Donald Trump Administration. Recently, current President Joe Biden signed an executive order this year to review the Trump EPA's decision to keep chlorpyrifos on the market.

Within the agricultural industry, some are questioning the process through which a potential chlorpyrifos ban might come to pass. In fact, this is the position of the Agricultural Retailers Association (ARA). "ARA opposes the court ruling because it will set a bad precedent for EPA's registration review process for all agricultural chemicals by allowing petitioners and the federal courts to impose their decision-making process in reviewing the science over EPA's long-standing regulatory authority as established by Congress," it said in a statement.

For right now, however, the industry and chlorpyrifos will have to wait and see what EPA ultimately decides between now and the end of June regarding the active ingredient's future.

Environmentalists Press EPA To Ban Chlorpyrifos After 9th Circuit Ruling
Curt Barry, Inside EPA
https://insideepa.com/daily-news/environmentalists-press-epa-ban-chlorpyrifos-after-9th-circuit-ruling?utm_source=dlvr.it&utm_medium=twitter

Environmentalists are strongly urging EPA to finally ban uses of chlorpyrifos, the widely used insecticide, after a federal appellate court panel ordered the agency to either ban the chemical or undertake a process for determining safe exposure levels that will protect children.

Patti Goldman, an Earthjustice attorney representing a coalition of civil rights, environmental and labor groups, tells Inside EPA that she is hopeful the Biden administration will ban chlorpyrifos from being used on food crops in the wake of the split ruling from a three-judge panel of the U.S. Court of Appeals for the 9th Circuit in League of United Latin American Citizens (LULAC), et al. v. Michael S. Regan.

"In terms of what is next, the [court] decision requires EPA to revoke or modify chlorpyrifos tolerances within 60 days of the end of the case, which will be in mid-June unless EPA seeks further judicial review by the full 9th Circuit or the Supreme Court," she explains.

"Given that the 9th Circuit rejected every reason EPA offered for not protecting children, and the Biden administration's pledge to act based on science and to protect the most vulnerable, we will urge EPA to do the right thing and ban chlorpyrifos from our food."

Her comments come in the wake of the 9th Circuit panel's 2-1 April 29 decision where the majority held that EPA violated provisions of the Federal Food, Drug and Cosmetic Act (FFDCA) when it allowed continued uses of the chemical.

"The panel held that the EPA spent more than a decade assembling a record of chlorpyrifos's ill effects and repeatedly determined, based on that record, that it could not conclude, to the statutorily required standard of reasonable certainty, that the present tolerances caused no harm," the ruling says.

But rather than "ban the pesticide or reduce the tolerances to levels that the EPA could find were reasonably certain to cause no harm, the EPA sought to evade through delay tactics its plain statutory duty," the ruling adds. "Because the FFDCA permitted no further delays, the panel ordered the EPA within 60 days after issuance of the mandate either to modify chlorpyrifos's tolerances and concomitantly publish a finding that the modified tolerances are safe, including for infants and children -- or to revoke all chlorpyrifos tolerances."

The panel also ordered EPA to "correspondingly modify or cancel related Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] regulations for food use in a timely fashion consistent with the requirements of" law.

An EPA spokesman says the agency is "reviewing the decision as it considers its options. As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to ensuring the safety of pesticides and other chemicals. The agency is committed to helping support and protect farmworkers and their families while ensuring pesticides are used safely among the nation's agriculture. EPA will continue to use sound science in the decision-making process under" FIFRA.

The largest maker of chlorpyrifos, Corteva Agriscience, has already agreed to phase out the chemical, and former EPA officials expect the agency may pursue a voluntary agreement with industry to cancel the pesticide's registration, something that could happen faster than a formal cancellation, which can take two to three years.

But environmental groups find voluntary cancellations problematic because manufacturers can later seek to reregister pesticides, as occurred with aldicarb, which was voluntarily canceled in 2010 and phased out but then re-registered by the Trump administration Jan. 12 for use on up to 100,000 acres of Florida citrus crops.

Environmentalists' Petition

The panel ruling comes more than nine months after oral arguments before the three-judge panel, which reviewed whether EPA in 2019 illegally preserved the remaining allowed uses of chlorpyrifos after denying the environmental groups' 2017 petition seeking...

Senate Committee Will Hold Hearing on Nominee for EPA Assistant Administrator for Chemical Safety and Pollution Prevention
Lynn L. Bergeson and Carla N. Hutton, Bergeson & Campbell Blogs

http://www.tscablog.com/entry/senate-committee-will-hold-hearing-on-nominee-for-epa-assistant-administrat

The Senate Committee on Environment and Public Works will hold a hearing on May 12, 2021, on several nominations, including that of Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the U.S. Environmental Protection Agency (EPA). As reported in our January 22, 2021, blog item, Freedhoff was onboarded in January 2021 as Principal Deputy Assistant Administrator for Chemical Safety and Pollution Prevention. On April 14, 2021, President Joseph Biden nominated Freedhoff for Assistant Administrator for Chemical Safety and Pollution Prevention. According to Biden's announcement, Freedhoff has more than 20 years of government experience, most recently as the Minority Director of Oversight for the Senate Environment and Public Works Committee. She began her Congressional service in 1996 in then-Representative Ed Markey's (D-MA) office as a Congressional Science and Engineering fellow after receiving a Ph.D. in physical chemistry at the University of Rochester. Freedhoff also served on the staffs of the House Science Committee, the House Select Committee on Energy Independence and Global Warming, the House Energy and Commerce Committee, and the House Natural Resources Committee. The announcement states that Freedhoff's legislative work includes the 2016 re-authorization of the Toxic Substances Control Act (TSCA), 2019 legislation to address per- and polyfluoroalkyl substances (PFAS) contamination, the fuel economy provisions in the 2007 Energy Independence and Security Act, and a law requiring the creation of an online database of potential consumer product safety defects.

The Committee will also consider several other nominations, including that of Radhika Fox to be EPA Assistant Administrator for Water. Like Freedhoff, she was onboarded at EPA in January 2021. More information on Fox is available in President Biden's April 14, 2021, announcement.

Former US EPA staff call on the agency to reactivate endocrine screening
N/A, Chemical Watch
https://chemicalwatch.com/260104/former-us-epa-staff-call-on-the-agency-to-reactivate-endocrine-screening

Former US EPA workers have called on the agency to reactivate testing for its Endocrine Disruptor Screening Programme (EDSP), which was paused in 2015 due to a lack of resources.

In their 30 April letter, members of the Environmental Protection Network (EPN) suggested to Michal Freedhoff, acting assistant administrator at the EPA's Office of Chemical Safety and Pollution Prevention, that "this could be the time to begin a more efficient process for screening chemicals for endocrine disrupting effects". While the EDSP was unable to continue tests under the Trump administration, the EPN points out that greater resources are currently available.

The EPA published the first results for tier 1 screening assays for the first 52 chemicals in the programme in 2015. Tier 1 screening was designed to determine if a chemical has the potential to interact with the endocrine system and therefore require further testing. Of the 52 chemicals evaluated, 18 showed potential interaction with thyroid, androgen or oestrogen pathways. The chemicals were recommended for additional testing but no "data call-in" (DCI) was issued for this, says the EPN.

Animal welfare NGOs and government watchdogs strongly criticised the EDSP for its slow pace of identifying endocrine disrupting chemicals.

According to the EPN, which comprises over 550 EPA alumni, the agency recognised that the Tier 1 testing was both resource-intensive and time-consuming, and that it would take more than 100 years to screen all industrial chemicals if work continued at the same rate.

It will not be feasible for the EPA to perform the testing needed to generate data for quantitative risk assessment

of all substances displaying activity in screening, the EPN said in its letter.

Because the full Tier 2 battery of tests are very expensive and time-consuming, the network recommends "imposing" data requirements on industry.

The letter concludes by suggesting that the EPA should "expeditiously initiate" the initial round of screening for oestrogenic, anti-oestrogenic, androgenic and anti-androgenic effects by issuing DCIs to registrants for active ingredients in pesticides and by prioritising other industrial chemicals.

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- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

And while you're reading.... Remember to shoot your coworkers a shooting star!
"

Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 4/20/2021 3:18:59 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Qian, Yaorong [qian.yaorong@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]
CC: Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Aunkst, Dana [aunkst.dana@epa.gov]; Driscoll, Stacie [Driscoll.Stacie@epa.gov]; Stroyeck, Lauren [Stroyeck.Lauren@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Larkin, Jenna [larkin.jenna@epa.gov]; Winters, Melissa [Winters.Melissa@epa.gov]
Subject: FW: Follow-up about a Bloomberg story

Greetings OCSPP/OECA PFAS Group,

FYI – *Inside TSCA* reached out to AAPCO/SFIREG for an additional inquiry on the PFAS definition article from Bloomberg last week. No follow-up for EPA at this point (that I'm aware of).

Best,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Bahr, Gary (AGR) <GBahr@agr.wa.gov>
Sent: Monday, April 19, 2021 4:58 PM
To: Diana DiGangi <ddigangi@iwpnews.com>
Cc: Jones, Patrick <patrick.jones@ncagr.gov>; Leach, Carrie A <leach13@purdue.edu>; Jeffrey Rogers <jeffrey.rogers@vdacs.virginia.gov>; aapco.sfireg <aapco.sfireg@gmail.com>; ONeill, Sandra <ONeill.Sandra@epa.gov>
Subject: RE: Follow-up about a Bloomberg story

Diana,

Thanks for your email on this important topic. Pat Rizzuto was able to participate and she produced the referenced article. Were you able to participate also?

During our SFIREG Joint Working Committee (JWC) meeting last week, the state lead agency Co-Chairs that lead the JWC had asked EPA OPP for clarification on a variety of topics related to PFAS and the work they're conducting related to: https://www.epa.gov/pesticides/pfas-packaging. The JWC Chairs (Carrie Leach (IN) and Jeff Rogers (VA)) provided EPA with a list of PFAS questions in advance of the meeting, including these below that are related to the definition of PFAS as it relates to pesticides and also inert ingredients.

- What is the definition of a PFAS compound in the context of pesticides?

- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?

- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?

During the PFAS session of the meeting, EPA responded to our questions with Kimberly Nesci, Division Director of the Biological and Economic Analysis Division (BEAD) providing feedback and other EPA staff contributing including Catherine Aubee. Some of their other perspectives were; that it's early in their evaluation process, they're working with various groups within EPA, they're working to evaluate the complex situation including the definition and the master list and inert list questions, and they'll provide further information on these topics in the future.

Please let us know if you have other questions, and feel free to contact EPA also.

Thanks,

Gary

Gary Bahr
SFIREG Chair
Section Manager
Office of Director, Natural Resources Assessment
Washington State Department of Agriculture
Olympia, Washington
c-360-349-0522
gbahr@agr.wa.gov

From: Diana DiGangi <ddigangi@iwpnews.com>
Sent: Monday, April 19, 2021 10:27 AM
To: Bahr, Gary (AGR) <GBahr@agr.wa.gov>
Subject: Follow-up about a Bloomberg story

Hi Gary,

I'm just wondering if I could get more details on the discussion of the need for an agency-wide definition of PFAS during the April 12-12 SFIREG meeting that was covered in this Bloomberg story: https://news.bloomberglaw.com/environment-and-energy/better-pfas-definition-needed-by-epa-states-tell-agency

The EPA doesn't have a single agency-wide definition of per- and polyfluoroalkyl substances, or PFAS, which is prompting state officials to push it to adopt one. Different Environmental Protection Agency offices are using different working definitions of PFAS, Catherine Aubee, an EPA pesticide registration officer, told state officials during a two-day online pesticide conference. "We're trying to see what they mean and see if we can reach a common definition for different programs and what it means for pesticides," she said.

Thank you!

Diana DiGangi

Inside TSCA

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 4/15/2021 7:53:49 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: K Leifer General -- 4/15 Agenda
Attachments: Agenda K Leifer General 4.15.2021 .docx

Please see attached

_____

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

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 5/4/2021 9:21:22 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: general topics for Ed
Attachments: OPP General Notes 5-4-2021.docx

Please update by 12 pm tomorrow. I haven't had a chance to make many updates and will plan to do so tomorrow.

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – May 5, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
- Sulfoxaflor 3/4th (complete)
- Pet incidents 3/31st (complete)
- FDA/EPA jurisdiction 4/12th (complete)
- SW2 revocation options 5/3rd (complete)
- Antibiotics – 5/17th
-

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Picarbutrazox – completed!
- Fluxametamide – completed!
- Fluindapyr – PD signed. PRIA Date **3/5/21** (Original PRIA date 5/29/20) (FB) - FD with OPP-IO for review
- Trifludimoxazin – PD signed. PRIA date **4/21/21** (Original PRIA date 10/16/2020) (FHB) – FD with OPP-IO for review
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)
-
-

Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- FDA/EPA jurisdiction – follow up briefing for Ed 3/10th – RD sent an email for Soloman; anything else needed?
- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Draft Ex. 5 Deliberative Process (DP)
- **PFAS** – RD working with Clark on submissions

Ex. 5 Deliberative Process (DP)

- Inerts meeting with CLA – waiting on additional information from CLA
- FLS/FLAG: debuted Performance Management Toolkit for Federal Supervisors last week; interest from other AA/Regional FLAG reps in sharing it with their supervisors
- 24c for cannabis – J. Housenger letter; OPP position?

Business/process/technology

- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
  - **Michal feedback on expediting all covid actions? Any updates?**
- eCSF/OPPEL – OPP priority? – ITRMD report May soft launch; requesting time at an OPP staff meeting

Speaking Engagements –

People/Personnel/Resources

- Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

Ex. 5 Deliberative Process (DP)

Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 5/5/2021 7:04:15 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]
CC: Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RD general
Attachments: OPP General Notes 5-4-2021.docx

Regards,
Marietta

Marietta Echeverria, Acting Director
Registration Division
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-305-8578

RD General Agenda Topics – May 5, 2021

Briefings for Michal

- PRIA/registration overview 2/23rd (complete)
- Dicamba 2/18th (complete)
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- Pet incidents 3/31st (complete)
- FDA/EPA jurisdiction 4/12th (complete)
- SW2 revocation options 5/3rd (complete)
- Antibiotics – 5/17th

Urgent

- **PRIA Do not grant letters – need to be signed today or renegotiated**

New Active Ingredients (include original PRIA date)

- Tetraniliprole – completed!
- Broflanilide – completed!
- Picarbutrazox – completed!
- Fluxametamide – completed!
- Fluindapyr – PD signed. PRIA Date **5/14/21** (Original PRIA date 5/29/20) (FB) - FD with OPP-IO for review
- Trifludimoxazin – PD signed. PRIA date **5/26/21** (Original PRIA date 10/16/2020) (FHB) – FD with OPP-IO for signature
- Rekleml – PD being developed. PRIA date **7/19/21** (Original PRIA date 4/19/21) (IVB3). Partial ESA – causing delays
- Ipflufenoquin – PD being developed. PRIA date **7/30/31** (Original PRIA date 4/19/21) (FB). Working on ESA – causing delays
- L-Glufosinate Ammonium – Risk Assessment phase. PRIA date 10/12/2021. ESA issue. Any feedback?

Other Chemical Actions

- Ex. 5 Deliberative Process (DP)

- Ex. 5 Deliberative Process (DP)

Other Actions - AA-Level/OD/High Visibility Items

- Ex. 5 Deliberative Process (DP)
- COVID-19 Activities – Sect 18s –
  - Ex. 5 Deliberative Process (DP)
- OIG Audits
  - Ex. 5 Deliberative Process (DP)
- **PFAS** – RD working with Clark on submissions
  - Ex. 5 Deliberative Process (DP)
- Inerts supply issue – phase 1 completed!; phase 2 – additional considerations

International

- Bi-monthly meeting with PMRA 5/11th – antibiotics, Seresto

Business/process/technology

- ISB – FEP/21-day backlog:
  - backlog addressed by end of April; RD SWAT team addressing newer receipts
  - Working to complete RD SWAT actions

- eCSF/OPPEL – ITRMD report May 9th soft launch;

Speaking Engagements –

People/Personnel/Resources

- Ex. 6 Personal Privacy (PP)

CA topics (Karen Morrison):

- Ex. 5 Deliberative Process (DP)

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 5/13/2021 6:49:38 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: K. Leifer General -- Agenda 5/13
Attachments: Agenda K Leifer General 5_13_21_.docx

Please see attached

_____

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

Kerry Leifer General – 5/13/2021

Agenda

CITAB Hiring/Staffing

- Status of Inert Team Leader hiring –Interviews begun, all candidates to be interviewed by 5/19
- Additional hire(s)
- Student Contractor status?
- NOWCC—interviews concluded (six candidates). Recommendation made to NOWCC to extend offer to selected candidate. (NOWCC process to follow, including PSB)

Acute Toxicity

- Julie is holding biweekly generals with each team member.
- Process improvements for review assignments and scheduling –Timeline for reviews from date of receipt in CITAB (both PC and AT) to be discussed at 5/18 PMWG.
- Development of Acute Tox Priority Spreadsheet for RD

Inert Ingredients

- Propylene glycol and Ray McAllister/CLA et al proposal. Phase 1 letter issued 5/3. Phase 2 awaiting AD piece—email to E. Kraft and Anita.
- PFAS

Ex. 5 Deliberative Process (DP)

- Commodity Inert Ingredients. Updated language provided to Dian Overby for inclusion on CIL website.
- Fragrance tolerance exemption petitions—Pat Quinn inquiries—team has developed action plan
- Inert Team has developed detailed spreadsheet of all pending inert actions with eye to efficiencies in assignments/roles
- Bullets of steps being taken to address inert petition backlog being drafted, will be finalized by team next week.
- Inert Ingredient Branch Box – customer expectations vs resources

Product Chemistry

- Self-Certification—still awaiting OGC response to PR 98-1 certification statement—Allison Payne emailed 2/4
- ACB PC reviewer process continues - assignments made in conjunction with May prioritization
- SWAT TEAM – 2 FHB reviewers, one HB reviewer (started week of 3/8)
- PFAS—review of Clarke products. First batches of reviews completed. Additional actions from other registrants now in queue.

- Discussion with RAB8 (held 4/14)—product chemistry information provided to Amy Babcock for consideration in assignment/conduct of reviews—NEXT STEPS??

Other CITAB issues/activities

- Midyears and awards completed.
- PFAS—Results of substructure search for PFAS in active ingredients
- CITAB Office hours—to be scheduled for 5/20
- Additional funding for contractor—completed. Quarterly briefing with RD IO scheduled
- CSF Images and Documentum/ITRMD
- CITAB staff questions/concerns regarding USA Access Credential and move prep.

Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 5/17/2021 3:36:23 PM
To: Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Herrick, Jacquelyn [Herrick.Jacquelyn@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Garcia, Beth [garcia.beth@epa.gov]
Subject: RE: EPA/MD Anvil/Biomist and PFAS Update

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Thanks,

Sandra O'Neill
919 323 7926

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Sent: Monday, May 10, 2021 1:19 PM
To: Wire, Cindy; Ben Grumbles; horacio.tablada@maryland.gov; denise.keehner@maryland.gov; rob.hofstetter@maryland.gov; tom.phillips; kevin.conroy@maryland.gov; julie.oberg@maryland.gov; Leonard, Paul; Aunkst, Dana; Driscoll, Stacie; Garcia, Beth; Dawson, Jeffrey; Echeverria, Marietta; Nesci, Kimberly; Aubee, Catherine; Saunders, Jennifer; Herrick, Jacquelyn; Helfgott, Daniel; Widawsky, David; Nguyen, Thuy; ONeill, Sandra; Picone, Kaitlin
Cc: Messina, Edward; Keigwin, Richard; Konfirst, Kathrina; Nitsch, Chad; Shenk, Kelly; Forman, Debra; Hoernemann, Courtenay; cassie.shirk@maryland.gov; brian.prendergast@maryland.gov; Dressel, Paul
Subject: EPA/MD Anvil/Biomist and PFAS Update

When: Monday, May 17, 2021 10:00 AM-10:30 AM (UTC-08:00) Pacific Time (US & Canada).
Where: Microsoft Teams Meeting

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Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 5/17/2021 4:45:09 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Herrick, Jacquelyn [Herrick.Jacquelyn@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: RE: EPA/MD Anvil/Biomist and PFAS Update

Sounds good

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Monday, May 17, 2021 12:30 PM
To: Garcia, Beth <garcia.beth@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: EPA/MD Anvil/Biomist and PFAS Update

This works for me, Beth & Sandra. Talk to you in 30 min. K

From: Garcia, Beth <garcia.beth@epa.gov>
Sent: Monday, May 17, 2021 11:44 AM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
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Thanks,
Beth

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919 323 7926

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Sent: Monday, May 10, 2021 1:19 PM
To: Wire, Cindy; Ben Grumbles; horacio.tablada@maryland.gov; denise.keehner@maryland.gov; rob.hofstetter@maryland.gov; tom.phillips; kevin.conroy@maryland.gov; julie.oberg@maryland.gov; Leonard, Paul; Aunkst, Dana; Driscoll, Stacie; Garcia, Beth; Dawson, Jeffrey; Echeverria, Marietta; Nesci, Kimberly; Aubee, Catherine; Saunders, Jennifer; Herrick, Jacquelyn; Helfgott, Daniel; Widawsky, David; Nguyen, Thuy; ONeill, Sandra; Picone, Kaitlin
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Message

From: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Sent: 5/17/2021 4:47:55 PM
To: Aubee, Catherine [Aubee.Catherine@epa.gov]; Herrick, Jacquelyn [Herrick.Jacquelyn@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Saunders, Jennifer [Saunders.Jennifer@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]
Subject: RE: EPA/MD Anvil/Biomist and PFAS Update

I agree – let's do both.

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Monday, May 17, 2021 12:30 PM
To: Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>; Garcia, Beth <garcia.beth@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Subject: RE: EPA/MD Anvil/Biomist and PFAS Update

Barring any objections, I recommend doing both. Thanks!

Best,
Catherine

From: Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>
Sent: Monday, May 17, 2021 12:19 PM
To: Garcia, Beth <garcia.beth@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
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Hi all,

Per the FOIA office, the letter can be released. I can send this over to Maryland via email after today's discussion or I can work with the QA/QC team to upload the letter into PPLS. Will wait on management's preference.

Thank you,
Jackie

Jacquelyn Herrick, PM 3
Invertebrate-Vertebrate Branch 1
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 347-0559

herrick.jacquelyn@epa.gov

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Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 5/25/2021 6:03:35 PM
To: Overbey, Dian [Overbey.Dian@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]
Subject: RE: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Ex. 5 Deliberative Process (DP)

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: Overbey, Dian
Sent: Tuesday, May 25, 2021 1:45 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Thanks, Kerry and Marietta.

The press inquiry calls for our confirming (if true) that PFAS are not a known ingredient or additive in either company's (Elanco and Boehringer Ingelheim) affected products.

Ex. 5 Deliberative Process (DP)

Please advise.

Dian

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, May 25, 2021 1:10 PM

To: Overbey, Dian <Overbey.Dian@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Hi Dian—see FAQ #1 here: https://www.epa.gov/pesticides/pfas-packaging

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: Overbey, Dian
Sent: Tuesday, May 25, 2021 1:07 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Thanks, Marietta! We'll use that language.

Dian

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, May 25, 2021 1:05 PM
To: Overbey, Dian <Overbey.Dian@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Ex. 5 Deliberative Process (DP)

From: Overbey, Dian <Overbey.Dian@epa.gov>
Sent: Tuesday, May 25, 2021 12:57 PM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today
Importance: High

Has anyone been able to look at this draft response? I need to move it forward in the review chain. Sorry deadlines are always so tight!

Dian

From: Overbey, Dian
Sent: Tuesday, May 25, 2021 11:11 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today
Importance: High

Hi All,

Here's what I put together, as requested this morning in the RD staff meeting, as the draft proposed response about PFAS in Frontline pet insecticides:

Ex. 5 Deliberative Process (DP)

Please review, edit, and get back to me as soon as you can, because OCSPP is asking for the response.

Thanks!

Dian

From: Overbey, Dian
Sent: Monday, May 24, 2021 11:12 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today
Importance: High

Hi Kerry,

Can you please confirm that there are no PFAS inerts in Seresto and Frontline?

Thanks,
Dian

From: Overbey, Dian
Sent: Friday, May 21, 2021 2:59 PM
To: Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Herrick, Jacquelyn <Herrick.Jacquelyn@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>

Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today
Importance: High

Hi All.

Johnathan Hettinger, reporter with the Midwest Center for Investigative Reporting who broke the Seresto story, sent this email and lab report about PFAS found in Seresto collars and Frontline spot-ons.

I'm pretty sure no active or inerts that are PFAS are included in the CSF. Kerry had checked last year and there were no PFAS in any currently registered products.

I just need confirmation from you that that is the case.

Thanks,
Dian

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Friday, May 21, 2021 1:08 PM
To: Overbey, Dian <Overbey.Dian@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>
Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today
Importance: High

Hi Dian and Rhina,

Let's work together on this since it is PFAS and pet collars. I sent OPP IO a heads up this is coming to them next week.

Rhina – We have lots of PFAS content so can you start a shared file and we can add language from pet statement.

Dian - Ideally SMEs can confirm there is no PFAS in product formulation and we add it into the response?

Thanks,
Shamus

From: Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Sent: Friday, May 21, 2021 10:41 AM
To: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Cc: Daguillard, Robert <Daguillard.Robert@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Hull, George <Hull.George@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: FW: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Hi Cheryl,

I'm hoping that you'll be able to assist with this inquiry. A general response is probably most appropriate, but please let me know your thoughts.

Deadline is next week.

-Andrea-

From: Johnathan Hettinger <jhettinger@investigatemidwest.org>
Sent: Friday, May 21, 2021 10:28 AM

To: Daguillard, Robert <Daguillard.Robert@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Press <Press@epa.gov>
Subject: PFAS in pet products - Midwest Center for Investigative Reporting/USA Today

Robert and Ken,

I'm a reporter for the Midwest Center for Investigative Reporting, a nonprofit newsroom focusing on agribusiness and pesticides. Recently, I've been working on a series of stories about flea and tick collars for pets that have been co-published by USA Today, including about the Seresto collar.

I recently received a testing report from Public Employees for Environmental Responsibility, who tested Seresto collars and Frontline topical treatments for pets, and found high levels of PFAS in both products. That report is attached.

I was wondering:
- Is the EPA aware of PFAS in these products?
- Does EPA have concerns about PFAS in pet products?
- Could the products be contributing to any adverse incidents?
- What risks do PFAS pose to human health? Pet health?

PEER recommended I talk with Kimberly Nesci, who they said they've worked with on the issue.

Would Kimberly or someone else have some time to talk? And would EPA be able to answer these questions?

My deadline is the end of next week.

Thanks,
Johnathan Hettinger
Investigative reporter
Midwest Center for Investigative Reporting
217-493-9791

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 5/27/2021 5:10:06 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Pease, Anita [Pease.Anita@epa.gov]; Reaves, Elissa [Reaves.Elissa@epa.gov]; Smith, Charles [Smith.Charles@epa.gov]; Vogel, Dana [Vogel.Dana@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; Lowit, Anna [Lowit.Anna@epa.gov]
Subject: Michal Final Hearing QFRs
Attachments: 2021-05-19 Michal Freedhoff.pdf

Thanks to everyone who assisted with responding to the QFRs from Michal's hearing. Sven sent the final attached version.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, May 27, 2021 11:45 AM
To: Hanley, Mary <Hanley.Mary@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Blair, Susanna <Blair.Susanna@epa.gov>
Subject: Michal Final QFRs

OCSPP Congressional Team – thanks for all the help on Michal's QFRs and congrats to the whole team on her successful 19-1 committee vote yesterday. Next step is full Senate vote as soon as they return from Memorial Day recess after next week. I'm sharing the final QFR responses for your awareness and use where helpful. Note that we do not post QFRs and generally direct requesters to the appropriate hill office. Please let me know if any questions,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

Senate Committee on Environment and Public Works
Hearing Entitled, *"Hearing on the Nominations of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior, Radhika Fox to be Assistant Administrator for Water of the Environmental Protection Agency, and Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the Environmental Protection Agency."*
May 12, 2021
Questions for the Record for Michal Freedhoff

Senator Kelly:

1. If confirmed, you would play a role in developing regulations which would govern the discharge and cleanup of PFAS. High levels of PFAS has been detected in several groundwater aquifers near Arizona military installations This is particularly concerning to me because every groundwater aquifer in Arizona could be used for drinking water – and as the Colorado River looks likely to enter a Tier 1 shortage this year, Arizona will be more dependent than ever on our groundwater supplies. If confirmed, how will you approach regulations related to PFOA and PFOS?

    a. In particular, how will you ensure that EPA supports communities that are disproportionately dependent on drinking water from closed-source aquifers?

Response: As I stated at my nomination hearing, addressing PFAS and emerging contaminants will be a top priority of mine if confirmed as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

While drinking water is not in my portfolio, EPA's chemical safety office is working on several PFAS initiatives that will help gather data and allow EPA to focus research and monitoring efforts to prioritize PFAS actions. First, we are requiring certain facilities to report to EPA releases of nearly 200 PFAS into the environment. Second, EPA has drafted a proposed rule that would require any company that manufactured PFAS since 2011 to tell EPA what they made, how much they made and what it was used for. This would also help focus EPA's monitoring and regulatory efforts. Third, EPA recently announced its expectation that new PFAS will generally not qualify for certain exemptions from TSCA's pre-manufacture notice review process going forward.

As we continue along this process, I am committed to a flexible approach and to working collaboratively with all stakeholders on the impacts of PFAS. The specific characteristics of Arizona communities you have highlighted are good examples of the types of information EPA will consider as we move forward in the regulatory process.

2. I wanted to ask for your thoughts on the broader precedent that might be set for EPA's pesticide program from the recent court ruling in the 9th Circuit. In the 2-1 ruling, the Court superseded EPA's scientific interpretation it used to reject a petition and mandated EPA take specific regulatory actions based on the Court's scientific interpretation. I am concerned this precedent will direct how EPA must treat petitions for any chemistry

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moving forward. In order to withstand judicial scrutiny, EPA's career scientists may have to conduct significant reviews of all petition claims regardless of their expert assessment of the petition's underlying science. Has EPA considered these potential longer-term impacts in its decision on how to respond to the Court's ruling?

Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels, and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health and the environment, helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture, and ensuring EPA continues to use sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

Ranking Member Capito:

1. The Toxic Substances Control Act (TSCA) defines "conditions of use" as the circumstances under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of. What is the difference between a "reasonably foreseen" use and "any possible" use?

Response: If confirmed, I commit to implementing TSCA within the statutory requirements as written by Congress. In implementing TSCA, EPA bases "reasonably foreseen" use on information, knowledge, and experience, and not on any conceivable condition of use.

EPA indicated in its rulemaking entitled "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act" that "the identification of `reasonably foreseen' conditions of use will necessarily be a case by case determination, and will be highly fact-specific. Sources of facts to support such determinations may include known activities associated with similar chemicals, knowledge of a chemical's properties that may allow it to replace a function currently being performed by non-chemical means, or information on research and development activities applying a chemical substance to a particular new use. It is reasonable to foresee a condition of use, for example, where facts suggest the activity is not only possible but, over time under proper conditions, probable." (82 FR 33730-31)

2. EPA evaluates potential pesticide risks under the Food Quality Protection Act, which requires a "reasonable certainty that no harm will result" from exposure to determine a pesticide is safe. Under TSCA, the risk standard is that the chemical is "not likely to present an unreasonable risk of injury to health or the environment." What is the difference in certainty between "not likely to present an unreasonable risk" and "reasonable certainty that no harm will result"?

Response: If confirmed, I commit to implementing EPA programs within their statutory requirements as written by Congress. The FQPA amended the Federal Insecticide, Fungicide and Rodenticide (FIFRA) and the Federal Food, Drug, and Cosmetics Act (FFDCA) to address, among other things, setting limits on the amount of pesticide residues that may remain in or on foods marketed in the U.S. In contrast, TSCA covers chemical substances manufactured, processed, distributed in commerce, used or disposed of for commercial purposes in the U.S. and explicitly excludes from the definition of "chemical substance" any pesticide (as defined in FIFRA) and any food, food additive, drug, cosmetic, or device (as defined in the FFDCA) when manufactured, processed, or distributed for use as such. The respective risk standards in various statutes are best interpreted within their own statute and body of caselaw, regulations and policies.

3. What steps will you take to ensure transparent coordination on chemical risk assessment and management between the Office of Chemical Safety and Pollution Prevention (OCSPP) and other EPA program offices or federal agencies?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other EPA program offices and other federal agencies.

OCSPP has regular communications regarding chemical risk evaluations with EPA staff from ORD and other offices to provide updates and opportunities for review and comment. For existing chemicals in risk management, OCSPP follows EPA's processes for rulemaking, one of which is to form cross-agency workgroups that allow for input across the agency during the rule development. Additionally, we are engaging with the Occupational Safety and Health Administration, National Institute for Occupational Safety and Health, Department of Defense, National Aeronautics and Space Administration, and other federal agencies to leverage their expertise.

4. While the Office of Research and Development (ORD) leads the Agency's scientific research activities, the OCSPP is responsible for evaluating risks from chemicals. Other EPA program offices, as well as state regulatory agencies, also carry out research and data analysis activities. Findings among different offices may not converge on a single outcome. How will you handle instances of conflicting data or conflicting conclusions within EPA or between EPA and your state partners?

Response: In addition to the existing processes described in response to Question 3, EPA's Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The policy explicitly welcomes differing views and opinions on scientific and technical matters as a legitimate and necessary part of the scientific process.

5. What do you believe is the appropriate role of the EPA's Integrated Risk Information System (IRIS) program in regulating chemicals and the risk assessment

and management process, and how do you intend to ensure ORD coordination with OCSPP staff?

Response: EPA's IRIS program assesses the human health hazards for chemicals of interest to EPA. In the case of TSCA existing chemical risk evaluations, IRIS assessments can serve to inform the human hazard assessment for chemicals being evaluated. However, TSCA risk evaluations must also "integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance."

Under TSCA, the Agency is required to use the best available science for many key Agency actions, whatever the source, so we routinely review and consider IRIS assessments in addition to other sources. However, the Agency will not rely solely on IRIS assessments for its TSCA activities, as that would not be consistent with the law. Put plainly, an IRIS assessment cannot substitute for a TSCA risk evaluation.

6. In a recent update to EPA's New Chemicals Program, EPA announced that it will no longer assume that workers are adequately protected under the Occupational Safety and Health Administration (OSHA) worker protection standards where EPA identifies a potential unreasonable risk to workers that could be addressed with appropriate personal protective equipment and hazard communication. What empirical evidence is EPA relying on to support the new approach of no longer assuming workers are adequately protected under the OSHA worker protections standards?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. If confirmed, I commit to ensuring necessary protections for workers. Decisions in the new chemicals program are made on a case-by-case basis. Conclusions regarding whether workers are or are not adequately protected under OSHA worker protection standards result from analysis of the applicable factual and legal conditions in each case. EPA can identify the absence of worker safeguards as "reasonably foreseen" conditions of use, and mandate necessary protections through a TSCA section 5(e) order, as appropriate. As a general matter, in 2020, violations of OSHA's respirator safety standards were third and violations of eye and face protection were ninth in OSHA's Top 10 Most Frequently Cited Standards, following inspections of worksites by federal OSHA. Please see https://www.osha.gov/top10citedstandards

7. A key driver for chemical innovation is to make chemicals that are safer or environmentally superior to the chemicals that they would replace.
   a. Is EPA able to evaluate whether a proposed new chemical would be safer than the chemical(s) that it would replace?
   b. If not, what prevents EPA from doing this evaluation?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. When new chemical submitters provide information adequate for considering the unique hazard and/or exposure characteristics for a chemical believed by the submitter to be safer than alternatives, EPA can incorporate this information into the risk assessment and/or risk management decisions for that chemical. In this

way, the program supports development of safer chemical substances by minimizing or eliminating regulatory burdens on new chemicals if they will replace riskier substances already in the marketplace.

8. You have publicly stated that you plan to reopen some or all of the first ten TSCA risk evaluations of existing chemicals by looking back "surgically at specific areas in some of the risk evaluations to supplement them as appropriate." More specifically, how will your office reopen and supplement these risk evaluations, while ensuring the process is open, transparent, involves stakeholder input, and does not create undue confusion and uncertainty?

Response: Congress showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration's actions, including risk evaluations for chemical substances under TSCA. The Agency is evaluating whether to make any changes in specific areas of some of the risk evaluations to make sure that the risk evaluations and risk management rules (which must address unreasonable risks identified in the risk evaluations) are scientifically and legally defensible and that the rules are sufficiently protective. We would consider doing this surgically because the first 10 risk evaluations documented unreasonable risk under the majority of conditions of use across the first ten chemicals for workers, occupational non-users, consumers and bystanders, and thus already require risk management to address the unreasonable risk in order to protect human health and the environment. To ensure there are not gaps in the scope of the risk evaluation, it would be important to conduct additional analysis to ensure that potential unreasonable risks have not been overlooked.

9. TSCA provides EPA 90 days to review new chemicals, or with good cause for extension, 180 days. How many submissions does EPA currently have that were submitted greater than 90 days ago? 180 days?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. As of May 16, 2021, EPA has 240 applications that were submitted more than 90 days earlier (and of this total, there are 189 applications that were submitted more than 180 days earlier). However, none of these applications are outside the applicable review period. EPA's regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA.

10. Under TSCA, if EPA does not conclude its review on time, EPA is required to refund all charges to the submitter. Has EPA ever issued such a refund?

Response: TSCA section 5(a)(4) requires a refund of applicable fees in these circumstances, unless the submitter has not provided required information or has otherwise unduly delayed the process in a way that prevents timely determination. EPA in many cases grants a suspension of the review period requested by the submitter, which effectively puts the review period on

"pause" to allow the submitter to provide information to EPA to clarify the initial submission or to address risk identified by EPA after the initial risk assessment is completed. When the running of an applicable review period has been suspended, the lack of a determination within 90 days of receipt of a notice would not trigger a fee refund under TSCA section 5(a)(4). To date, EPA has not issued a refund for failing to make a determination on a notice by the end of the applicable review period.

11. In certain circumstances, EPA can request suspensions of the TSCA deadlines and request additional information. However, EPA has been increasingly requesting suspension of the TSCA deadlines without requesting additional information. If EPA requests a suspension of the TSCA deadlines but does not request additional information, and the submitter denies the suspension request, how would EPA proceed?

Response: EPA's regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. Suspensions of new chemical reviews are requested by submitters of new chemical notices, most often when EPA has conducted a risk assessment for a new chemical and identified potential risks.

If confirmed, I look forward to learning more about this issue from the science and programmatic experts at EPA.

12. How many suspensions has EPA requested and how many of those were not accompanied by a request for additional information?

Response: EPA's regulations at 40 CFR 720.75(b) allow submitters to voluntarily suspend the running of the notice review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. Please also see the response above.

13. Do you believe requesting the suspension without asking for additional information circumvents the deadlines in the statute?

Response: Section 5(e) of TSCA allows the Agency to issue orders when adequate information is not present. Issuing suspensions, at the submitters request, can benefit both submitters and the public. If confirmed, I commit to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA, and look forward to learning more about this issue from the science and programmatic experts at EPA.

14. To prevent the government from slowing innovation, the previous Administration focused on reducing the backlog of new chemical applications, successfully reducing the new chemical backlog from over 450 cases to 183 cases by January 2021. What is the number of cases in the backlog today?

a. Do you expect the backlog to increase given EPA's recently announced policy changes to new chemical reviews?
b. How will you prevent increasing the backlog?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. In August 2017 it was announced that the "backlog" was eliminated, although there were 302-308 cases still under review (https://archive.epa.gov/epa/newsreleases/epa-eliminates-new-chemical-backlog-announces-improvements-new-chemical-safety-reviews.html). None of the cases in EPA's current queue (300 as of May 16, 2021) are outside the applicable review period. For any case that was submitted over 90 days ago, the review period has been voluntarily suspended at the request of the submitter pursuant to 40 CFR 720.75. For 73 of those 300 cases, EPA is awaiting submitter input. The remaining cases are in various stages of review, as shown on EPA's New Chemicals case tracker webpage (https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review).

15. How do you plan to communicate to the public what are real-world, expected risks versus risks generated by modeling and assumptions that reflect a worst-case scenarios?

Response: I believe it is important for all public servants to be transparent with the Congress and the public as we look at information and develop decisions for moving forward. As I said in my response to Chairman Carper related to worker safety, I also believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

16. In a previous conversation with me, you acknowledged that not all PFAS are the same. Do you think EPA should analyze and regulate individual PFAS based on their particular health and environmental risks?

Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I commit to addressing PFAS as a top priority for EPA.

Consistent with TSCA, the chemical safety office assesses and regulates PFAS either individually or as groups/categories based on similarity in physical-chemical and biological properties, as deemed appropriate based on the availability of data/information and the regulatory context and decision being made. Grouping or category approaches for chemical assessment and regulation have been used under TSCA for both new and existing chemical assessment for decades.

In the legislative language authored by the Senate Environment and Public Works Committee and enacted in 2019, the Agency (through its Office of Research and Development, ORD) was given direction to

> *"(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—*
>
> *(A) the potential for human exposure to the substances or classes of substances;*
>
> *(B) the potential toxicity of the substances or classes of substances; and*
>
> *(C) information available about the substances or classes of substances;"*

I see great value and near-term applicability of ORD's work in this area.

17. Should PFAS ever be grouped and reviewed accordingly based on similar physical, chemical, and biological properties and, if so, what scientific reviews are necessary to ensure that a group of PFAS compounds pose the same health and environmental risks, if any?

Response: Generally, classes or sub-classes of substances are groupings based on similar structural, physical-chemical and/or biological properties.

The chemical safety office believes that grouping of PFAS based on similarity in structural, physical-chemical and biological properties is appropriate. Further, such grouping or category approaches have been used within OPPT for both new and existing chemical assessment for decades. This experience, and the emerging research conducted by ORD (as directed by Congress), as well as established approaches, for example as developed in the Organization for Economic Cooperation and Development (OECD), for developing scientifically sound chemical groups or categories, would be the basis for ensuring PFAS groups or categories are scientifically sound.

18. During your nomination hearing before the Committee, you acknowledged that there are gaps in EPA's PFAS research that need to be filled. What are the remaining PFAS research gaps that need to be resolve before the Agency is able to move forward with additional regulatory actions?

Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I commit to addressing PFAS as a top priority for EPA.

While extensive research exists for some PFAS, that is not the case for all of them. The efforts underway at EPA, which draw in part from legislation authored by the Senate Environment and Public Works Committee, are designed to strategically focus our research, monitoring and

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regulatory efforts on the PFAS that have been identified as being of concern due either to their potential hazard or presence in the environment.

19. What is a simple chemical description that is common to and describes all PFAS compounds?

Response: OPPT applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R"), where R, R', and R" do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included). This definition may not be identical to other definitions of PFAS used within by EPA and/or other organizations."

20. Given this Administration's policy of evidence-based decisions supported by the best available science and data, how would you handle a situation where staff work relies on a scientific study that is missing critical information to support its findings?

Response: OCSPP uses Systematic Review to search for and evaluate the quality and completeness of scientific studies used for TSCA Risk Evaluations. The resulting risk evaluation, including the assessment of the underlying body of evidence, is subject to a rigorous external and independent peer review to ensure that the results meet the bar of best available science. In addition, TSCA risk evaluations are subjected to public comment, which present opportunities to submit studies that commenters believe the Agency has overlooked or where they have concerns with our use of specific studies.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including relying on the best available science.

Senator Inhofe:

1. Dr. Freedhoff, as EPA continues implementing the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, it is fundamentally important that the EPA safeguard private stakeholders' confidential business information. Protecting America's confidential business information is vital to global competitiveness and national security. We cannot allow countries like China access to sensitive business information. Will you ensure the regulated community has ample time to ask questions and make corrections to any sensitive business information that will be shared publicly by EPA?

Response: If confirmed, I commit to transparency while fulfilling responsibilities under TSCA. Under TSCA, EPA collects a range of information and in some cases the law allows some of it to be claimed as confidential business information (CBI). EPA is respectful of CBI, the release of which may cause substantial business injury to the owner.

EPA has established new processes, systems, and procedures to enable submitters to provide the information required when making confidentiality claims and to facilitate EPA's review, and where applicable, determinations on these claims.

2. Dr. Freedhoff, it is fundamentally important that the EPA continually engage the private stakeholders it is regulating. As you know, the EPA is currently conducting a public comment period on five final rules for persistent, bioaccumulative toxic chemicals previously issued on January 6, 2021, under TSCA. I am aware of concerns that these rules may pose challenges for retailers, who are newly subject to potentially strict liabilities and high penalties for the sale of "articles" containing these chemicals. However, it is my understanding that these rules may not provide retailers with the information they need to take action related to these articles. Has EPA conducted outreach to the retail community to seek their input on the best way to enable their participation in these new rules?
    a. Will you commit to working with retailers to ensure they are provided with the supply chain information they need to implement the intended sales restrictions on articles?
    b. And will you commit to improving stakeholder engagement as you continue implementation of TSCA?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

Regarding persistent, bioaccumulative and toxic (PBT) chemicals, if confirmed, I commit that before making a decision on next steps, EPA will review public comments received in response to the Agency's request for comment on the final PBT rules. We encourage members of the public to provide comments on the final rules including whether there are further exposure reductions that could be achieved, including for potentially exposed or susceptible subpopulations and the environment; implementation issues associated with these final rules; and whether to consider additional or alternative measures or approaches such as requiring personal protective equipment.

3. Dr. Freedhoff, there are a number of measures that we must take to eradicate the COVID-19 pandemic. Vaccinations are an important and effective measure against the virus but there are additional measures that can be utilized to reduce the spread of COVID-19, including through long-lasting disinfectants. Long-lasting disinfectants minimize the required number of regular disinfectant applications, thereby reducing the potential negative health impacts that come from over application of regular disinfectants. Allied BioScience (ABS), a biotech firm, created "SurfaceWise2", which is a continuously active antiviral surface coating that kills viruses, including SARS-CoV-2. Accordingly, ABS has submitted an application for nationwide use of the product under the standard authority laid out in Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). If approved for use, Americans would have access to a long-lasting disinfectant

that has been approved by EPA for residual efficacy of up to 30-days. When do you expect the final Section 3 approval process to be completed?

a. Are there any steps you can take to expedite the regulatory review process?

b. And will you please keep my staff updated on EPA's review and actions related to this application?

Response: In order to respond to the public's needs over this past year of the pandemic, EPA expedited review and approval of surface disinfectant products for use against SARS-CoV-2, the coronavirus that causes COVID-19, created List N, a public listing of products expected to be effective against SARS-CoV-2, and then added over 500 products to it. Over the course of the last year, EPA reacted to unprecedented circumstances by activating its Emerging Viral Pathogens guidance, minimizing disinfectants supply chain disruptions through regulatory flexibilities, releasing new and updated scientific protocols, and providing several pathways for expedited review. If confirmed, I commit to continue to follow the evolving science of the pandemic by shifting resources to the evaluation of novel products, such as those that kill airborne SARS-CoV-2; to meet critical deadlines in the registration and review of all pesticide products within EPA's purview; and to keep Congress informed on EPA actions, including communicating with your office regarding Allied BioScience's application for registration of their SurfaceWise2 product.

Senator Cramer:

1. Dr. Freedhoff, North Dakota is home to the most innovative and resilient agricultural producers. These producers operate on tight margins in order to provide the highest quality food, fuel, and fiber in the world. Unfortunately, producers are reluctant to commit to long-term purchases of chemical products because of the fear that the products or components could be revoked or altered at any time, leaving them with purchased product they are unable to use. The agricultural community has expressed a strong interest in the Environmental Protection Agency (EPA) maintaining an independent, predictable, science-based, and risk-based regulatory process for pesticides that generates continuity and reliability for their operations. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Congress granted EPA the authority to determine pesticide safety. EPA's Office of Pesticide Programs is staffed by scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. You are no doubt aware of the recent ruling in LULAC v. EPA. I am concerned the potential precedent this ruling might set and the impact it may have on EPA's pesticide program. If a court can place its own scientific interpretation over EPA's, that could undermine EPA's authority to make independent, science-based decisions, and might require EPA to invest significant resources to review petition claims in the future to ensure decisions withstand judicial scrutiny.

a. Is EPA concerned about the potential of this precedent and considering potential long-term impacts in its response to the ruling?

b. Should the frequency of petitions increase or if EPA must invest additional staff work into their consideration moving forward, does EPA have the capability to conduct additional petition work without significant disruptions to the pesticide program?

c. How will you work with EPA's Office of General Counsel and the Justice Department to defend the science behind existing pesticide registrations, of which EPA career

scientists within the Office of Pesticide Programs work to underpin with sound science?

d. Do you believe the pesticide program should be stable and predictable?

e. Should you be confirmed, how will you work with producers and industry to provide certainty and consistency to the pesticide program?

Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects to human health and the environment; to helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture; and to using sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

EPA believes it is important to be responsive to petitions from the American public where there may be concerns regarding the safety of specific pesticide products. To respond to these concerns, EPA relies on the best available science and makes every effort to integrate our responses to petitions with our ongoing work under the registration and registration review programs.

Providing predictability on pesticide regulatory decisions is an important goal of the pesticide program. The Pesticide Registration Improvement Act (PRIA) provides a registration service fee system for applications for specific pesticide registration actions, which is designed to create a more predictable evaluation process for affected pesticide decisions. Regulatory decisions based on sound science is central to achieving this predictability. Moreover, I am committed to engaging with all stakeholders, listening to their concerns, and working collaboratively with them to enhance the robustness and certainty of the pesticide program.

2. Dr. Freedhof, as you know in 2016 Congress reformed TSCA on a bipartisan basis. I played a role in this from serving on the House Energy and Commerce Committee. At the time, it was viewed as a win-win for human and environmental health and timely review for product innovations by businesses. Significant fees are now assessed on industry in return for commitments on adequate staffing for efficient reviews. However, it is being reported that implementation of the 2016 reforms has been bumpy and is getting even bumpier at EPA. Chemical reviews have stalled, staff are unable to have meaningful dialogue with industry, extreme assumptions on risk are being made, and the best available science and real world data is not being incorporated. As a result, U.S. innovation is being stifled, putting American manufacturing at a competitive disadvantage.

a. Are you committed to work with industry to get a clear, consistent, and timely process?

Response: The Senate EPW Committee showed leadership in passing much-needed changes to TSCA—America's primary chemical safety law. President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration actions, including risk evaluations for chemical substances under TSCA.

Since arriving at the Agency, I have met with numerous industry groups, and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address industry concerns wherever possible. As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

If confirmed, I will work with all stakeholders, including industry, to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

Senator Lummis:

1. Does the EPA plan to alter existing or establish new mineralogical definitions? If so, will you commit to obtaining and incorporating input from mineralogical experts?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities; to using sound science in the decision-making process under our chemical safety programs; and to implementing those programs within their statutory requirements as written by Congress, including as we consider mineral forms such as in asbestos.

2. At your nomination hearing, you emphasized that EPA's decision-making will be transparent and well-documented. Do you commit to provide the same level of transparency and documentation to regulated entities throughout the risk evaluation and management process, including engaging with those entities while developing draft risk evaluations?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

Since arriving at the Agency, I have met with numerous industry groups, and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address

industry concerns wherever possible. This transparency and documentation will be extended to all stakeholders, including regulated entities.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities.

3. A lack of clear risk communication by EPA frequently creates public concerns over health and safety, many of which are the result of lack of information as opposed to actual risk to human health or the environment. What role does public perception play in EPA's decision-making?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

Senator Boozman:

1. The 2018 farm bill directed the Environmental Protection Agency (EPA), the Department of Interior's Fish & Wildlife Services, and the Department of Commerce's National Marine Fisheries Services ("Services") to establish an Interagency Work Group (IWG) to increase the timeliness and quality of Endangered Species Act species and habitat consultations for pesticides, develop a streamlined process for identifying which actions require consultations, and secure durable cooperation between the agencies. In recent public statements you said fixing the alignment of the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is essential and if not fixed, will put EPA's ability to approve new crop protection products at risk to being shut down by the courts. If confirmed, do you commit to spending the time and energy it will take to work with your colleagues at the Services to substantially improve the ESA-FIFRA process, so that timely registration of crop protection products is more certain?
   a. If so, what are the three most important administrative reform ideas you plan to pursue?
   b. Do you support using the best available data and analyzing "what's likely vs. what's possible" when considering rates of use of pesticides?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting listed species and supporting local agricultural economies. If confirmed, I commit to working with EPA stakeholders to realize our shared goal of protecting listed species.

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If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

2. It is essential for EPA to maintain an independent, predictable, science-based, and risk-based regulatory process to ensure the safety and efficacy of pesticides. EPA's Office of Pesticide Programs is staffed by expert scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. Unfortunately, the U.S. Court of Appeals for the Ninth Circuit has increasingly supplanted EPA's registration and registration review decisions instead of relying on the scientific analysis of EPA's career scientists. An example is the recent decision by the U.S. Court of Appeals for the Ninth Circuit issued on April 29, 2021, in the case of *League of United Latin American Citizens, et al. v. U.S. Environmental Protection Agency* concerning chlorpyrifos and other recent registrations undergoing legal challenge including glyphosate. In your view does the Ninth Circuit's increasing interest in renegotiating registrations from the bench pose as a threat to EPA scientific integrity, the work of its Office of Pesticides Program career staff, and EPA's existing registration processes?
   a. If confirmed, how will you work with EPA's Office of General Counsel and the Department of Justice to defend the Agency's science-based decisions on existing pesticide registrations?

   Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

   As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health or the environment; to helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture; and to using sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

3. The Pesticide Registration Improvement Act was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019 – each time with the support of a diverse consortium of trade associations, non-governmental organizations, and state government officials. This legislation brought new, dedicated funds to the Environmental Protection Agency's Office of Pesticide Programs for more efficient pesticide registration and re-registration activities; it gave registrants certainty in the registration process after decades of uncertainty; it provided funding for farm worker education and training; and it brought needed funds for training for agricultural and healthcare workers. Over the past few years, due to resource constraints and other issues, the rate in renegotiated decision timeframes for pesticide regulatory reviews has increased significantly. Since the start of the fiscal year, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant

backlog of smaller non-PRIA actions that are paid for by annual registrant maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?

a. Further, if confirmed, will you continue efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and the NGOs community with the goal of reauthorizing PRIA prior to October 1, 2023 to ensure EPA has the resources to complete timely pesticide registration and registration review decisions as efficiently as possible?

Response: Like past Assistant Administrators, I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

4. EPA has an essential role in facilitating trade through harmonizing U.S. pesticide tolerances with Codex Maximum Residue Levels in the registration review process to renewing the Trilateral Working Group on pesticides under the Sanitary/Phytosanitary Committee on the new USMCA agreement. Importers of pesticide products manufactured in the U.S. require submission of both certificates of origin and certificates of registration issued by EPA, a process that needs improvements before it becomes an unnecessary trade barrier. If confirmed, do you commit to facilitating international trade for the industries regulated by EPA, including crop protection?

Response: I believe it is important for all public servants to be transparent with the Congress and the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other countries and international organizations. I would look forward to being briefed on issues such as this related to improving EPA's pesticides programs and international trade.

5. In December 2020, the Mexican government issued a Presidential Decree stating the intent to eliminate the use, distribution, and importation of glyphosate in Mexico. The Decree, which is inconsistent with the U.S.-Mexico-Canada Agreement (USMCA), sound science, and other international sanitary/phyto-sanitary (SPS) standards, creates a dangerous potential precedent that could extend to other agricultural chemicals and negatively impact U.S. agricultural exports. If confirmed, do you commit to working with USTR and USDA to ensure our trading partners uphold their commitments, including scientifically sound SPS standards, related to crop protection tools under our trade agreements?

Response: I believe it is important for all public servants to be transparent with Congress and the public as we look at information and develop decisions for moving forward.

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If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other federal agencies, countries, and international organizations. I would look forward to being briefed on issues such as this related to improving EPA's pesticides programs and international trade.

6. On August 31, 2020, EPA published a proposed rule in the Federal Register (EPA-HQ-OPP-2019-0508) Pesticides; Exemptions of Certain Plant-Incorporated Protectants Derived from Newer Technologies, which was written by EPA career experts in the Office of Pesticide Programs' Biopesticides and Pollution Prevention Division. During the rule's subsequent 60 day public comment period, agricultural and technology stakeholders welcomed EPA's efforts to facilitate a more streamlined, science-based regulatory pathway for this technology, and those stakeholders provided targeted recommendations on ways to improve the proposed rule. Finalizing this rulemaking, consistent with the aforementioned stakeholders' recommendations, would help modernize EPA's regulatory approach to these technologies that could result in less water usage, less crop and food waste, and help combat climate change. Without this rule, there is not a consistent, workable regulatory pathway for these technologies. If confirmed, do you commit to ensuring EPA submits a final rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget for interagency review as soon as possible?

Response: The rulemaking your question references continues to be an agency priority, as highlighted in EPA's regulatory agenda, and we are currently considering the comments received on the proposed rule with the goal of responding to those comments and issuing a final rule later this year.

If confirmed, I would look forward to working with colleagues at the U.S. Department of Agriculture on these issues, and more broadly, to working with stakeholders so that new technologies and innovations can be taken into account in our pesticides programs.

7. EPA's pesticide evaluation process is science-based and considers both the potential risks *and* benefits of pesticide products. The registration process includes risk assessments to ensure a product protects human health, including the health of children, the elderly, and immune-compromised individuals, the environment, and endangered species. Further, under the law EPA must reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust –science-based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital in protecting our nation's food supply, public health and safety, infrastructure, natural resources, and green spaces. Our regulatory process is also seen as the gold standard for the world and is required to meet World Trade Organization obligations. If confirmed, how will EPA strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

Response: I firmly support EPA's risk-based approaches to pesticide assessments. If confirmed, I commit to continue to underscore the need for pesticide registration and reevaluation decisions that consider both hazard and potential exposure, and to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

8. Pests are harmful to our nation's food supply, public health, infrastructure, natural resources, and green spaces. Science-based integrated pest management (IPM) programs are used to manage mosquitoes, ticks, and rodents that carry disease; protect our nation's public utilities, rights-of-way, and infrastructure from invasive weeds; manage overgrowth and vegetation that pose fire hazards; and maintain homes, greenspaces, parks, sports fields, and golf courses. The definition of IPM is contained in three federal laws: (1) the 1996 Food Quality Protection Act (PL 104-170); (2) the Children's Health Act of 2000 (PL 106-310); and (3) the Food, Conservation, and Energy Act of 2008 (PL 110-234). These laws define IPM as "a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks." IPM tries to reduce the risk of pests becoming a problem in the first place while having a specific plan of action to follow when pest populations reach a certain level. In the school environment, for example, this tolerance level may be quite low, or even "zero," in the case of rodents in school cafeterias. If confirmed, will EPA uphold the statutory definitions of IPM and ensure *all* essential pest control tools – biological, cultural, physical, and chemical – continue to be available to consumers, professionals, and those that maintain facilities such as schools, parks, athletic fields, day care centers, hospitals, and residences?

Response: As the agency pursues its mission to protect human health and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health and the environment; using sound science in the decision-making process under our pesticides programs; and implementing those programs within their statutory requirements as written by Congress.

While traditional pest control involves the routine application of pesticides, IPM focuses on pest prevention and only using pesticides as needed. This provides a more effective, environmentally sensitive approach that combines biological, cultural, physical, and chemical tools to minimize risks associated with pests and pesticides.

9. Effective pest and rodent control is essential to protecting the health and well-being of our families and communities, regardless of socioeconomic circumstances. Mosquitoes, for example, can carry West Nile virus, Zika virus, Eastern Equine Encephalitis, and yellow fever. Ticks can carry Lyme disease and Rocky Mountain spotted fever. According to the CDC, rodents directly transmit eleven serious diseases (including Hantavirus pulmonary syndrome, plague, and tularemia), and indirectly transmit even more. Whether pest control is undertaken by a professional or a consumer, pesticide products are a crucial component of managing pests and protecting public health at home, school, work, and play. If confirmed, how would you promote greater efficiency in the Office of Pesticide Programs, so these essential products are effectively managed through

the regulatory process that follows FIFRA's risk-benefit standards and fully considers the benefits of the non-agricultural pesticides used to control mosquitoes, ticks, rodents, termites, and plant diseases?

Response: Federal law requires EPA, in coordination with Centers for Disease Control and Prevention (CDC) and the U.S. Department of Agriculture (USDA), to identify pests of significant public health importance and in coordination with the Public Health Service, to develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance. I believe it is vital to continue this work and to collaborate with the pest control industry and the environmental community to find common ground on protecting human health and the environment and controlling dangerous pests.

If confirmed, I look forward to working with the pest control industry and other stakeholder groups on how to chart a path forward.

10. In November 2020, EPA released its draft Biological Evaluation (BE) for public comment on atrazine, simazine and propazine, three widely-used herbicides used to control a variety of grasses and broadleaf weeds. EPA's comment period closed in February 2021, but EPA has not yet published the final BE. If confirmed, what will you do to ensure all reliable and available science, with respect to both exposure and toxicity, is fully assessed and used to impact the final BE on this crucial technology product group?
    a. Further, if confirmed, what steps will you take to ensure full consideration is given to the data alluded to in the paper "Grounds for an Atrazine Ecological Endpoints Update," submitted to EPA by a group of farm organizations on December 15, 2020?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting listed species and supporting local agricultural economies.

If confirmed, I commit to considering all input received as we consider whether to make any scientifically supportable changes to the biological evaluation for atrazine, simazine, and propazine before any initiation of consultation with the Services.

I believe it is important for all public servants to be as transparent with the Congress and the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

11. In addition to serving on EPW, I am also honored to serve as the Ranking Member on the Senate Agriculture, Nutrition & Forestry Committee, which has primary oversight over FIFRA and EPA's work related to pesticides. If confirmed, do you commit to appearing before the Senate Agriculture, Nutrition & Forestry Committee on issues related to EPA's administration and implementation of FIFRA-related activities?

Response: If confirmed I would look forward to working with the Senate Agriculture Committee on pesticides issues.

Senator Wicker:

1. The Pesticide Registration Improvement Act (PRIA) was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019, each time with the support of a diverse group of stakeholders. This legislation brought new, dedicated funds to the Environmental Protection Agency's (EPA) Office of Pesticide Programs for more efficient pesticide registration and re-registration activities. It also gave registrants certainty in the registration process after decades of uncertainty, and it provided funding for farm worker education and training. Due to resource constraints and other issues, the rate in renegotiated decision timeframes for pesticide regulatory reviews has jumped significantly in the past few years. Since the start of Fiscal Year 2021, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant backlog of smaller non-PRIA actions that are paid for by annual registrant paid maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?

    a. If confirmed, will you also continue the efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and non-governmental organizations to reauthorize PRIA prior to the start of Fiscal Year 2024 to ensure EPA has the resources needed to complete timely pesticide registration and registration review decisions efficiently?

Response: Like past Assistant Administrators, I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

2. EPA's pesticide evaluation process is science-based and considers both the potential risks and benefits of pesticide products. The registration process includes risk assessments to ensure that the product protects human health, including the health of children, the elderly, and immune-compromised individuals, the environment, and endangered species. In addition, the law requires EPA to reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust-science based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital for protecting our nation's food supply, public health and safety, and natural resources. Our regulatory process also is considered the gold standard globally and is required to meet World Trade Organization obligations. If confirmed, how will EPA, under your

leadership, strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

Response: I firmly support EPA's risk-based approaches to pesticide assessments and the need for pesticide registration and reevaluation decisions that consider both hazard and potential exposure.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

3. The 2018 Farm Bill directed EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to establish an Interagency Work Group to increase the timeliness and quality of Endangered Species Act (ESA) species and habitat consultations for pesticides. The legislation also required EPA and the Services to develop a streamlined process for identifying which actions require consultations and to secure durable cooperation between the agencies. In recent public statements, you have mentioned that fixing the alignment of the Endangered Species Act and FIFRA is essential, and the ability of EPA to approve new crop protection products is at risk to be shut down by the courts if not fixed. If confirmed, do you commit to working with your colleagues at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to avoid a programmatic stoppage?

Response: If confirmed, I commit to continuing to work with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to carry out the requirements of the 2018 Farm Bill.

Senator Ernst:

1. You have spoken about your commitment to scientific integrity. I applaud your focus on that; it is indeed critical to ensure that every decision EPA makes is based on sound science. I know you also understand as well as anyone that the regulation of pesticides in this country is risk-based, and that FIFRA, the primary law governing pesticide regulation, also requires EPA to balance any risks of a pesticide with its benefits. There is a class of selective herbicides that cattle producers and other land managers in my state and across the country have used successfully for decades to manage noxious/invasive weeds and improve pasture/rangeland health. EPA has recently published decisions/proposals involving products in this class of chemicals that show a pretty striking overemphasis on a very narrow set of potential hazards/perceived risks related to agricultural waste and its use in compost and a woefully insufficient regard for the very real benefits of the products in question, including the many risks that pesticide products reduce or eliminate. I'm concerned that without a course correction, cattle producers in my state and across the country may lose the flexibility they need to use these products. I'm especially concerned that the direction EPA is going could limit cattle producers' options during times of drought or other natural disasters – threatening not only their bottom line but the welfare of their animals. Decisions that rely on sound

science incorporate all available information, including the considerable benefits from pesticides, and rely on data to assess risk, not inaccurate default assumptions. How will you improve the quality of EPA's pesticide reviews to more accurately reflect the underlying science on a pesticide product's benefits and risks?

Response: If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including using the best available science. Regarding your concern about EPA pesticide decisions limiting cattle producers' option, if confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward. I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

2. Pesticides are of critical importance to agriculture and enable a safe and reliable food supply. EPA's pesticide registration process is a long-standing, efficient process that has garnered bipartisan support regardless of administration for enabling responsible pesticide use. Managing this program effectively means ensuring that farmers and ranchers have the crop protection tools they need. How do you plan to manage this program and do you anticipate any major changes to the program?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how best to manage EPA's pesticides programs.

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Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 5/28/2021 7:30:50 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for May 28, 2021

OCSPP Daily News Round-Up

General EPA

- Bloomberg Law 05/28; Biden Budget Seeks Boost for EPA Core Programs and Research (1)
- E&E News 05/28; Biden vies to replenish agency workforce

Toxics

- Chemical Watch 05/27; US litigation round-up
- Inside TSCA 05/27; Industry Study Says 'Commercial Relevance' Is Key To Defining PFAS
- Inside TSCA 05/27; EPA Scientist Touts NAM Approach Used To Withdraw Inhalation SNUR

Pesticides

- Chemical & Engineering News 05/27; Trump appointees swayed dicamba approval, watchdog reports
- Chemical Watch 05/27; US EPA round-up
- Dakota Free Press 05/27; EPA Hid Science on Dicamba Harms in 2018
- Modern Farmer 05/26; New Report: EPA Violated Usual Procedures in 2018 Dicamba Registration
- NBC News Center Maine 05/27; PFAS chemicals found in some garden fertilizers, according to study
- The Globe 05/27; Dicamba users urged to follow new label requirements, cutoff date

Blog/OpEd/Other

- Bergeson & Campbell Blogs 05/28; EPA Begins Environmental Justice Consultation on Risk Management Rulemaking for NMP
- Environmental Defense Fund 05/28; EPA Wipes Trump-Era Censored Science Rule from the Books
- Kelley Green Law 05/25; EPA Considering Expanded TSCA CDR and TRI Reporting Requirements, Environmental Justice Analyses

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Biden Budget Seeks Boost for EPA Core Programs and Research (1)

Stephen Lee, Bobby Magill, Jennifer Hijazi, Dean Scott, Ellen Gilmer, Bloomberg Law
https://news.bloombergiaw.com/environment-and-energy/biden-budget-seeks-big-boost-for-epa-core-programs-and-research

President Joe Biden's fiscal 2022 budget lays out a 24.1% boost to the EPA's core rule-writing and enforcement programs and a 7.5% increase in staffing to get the work done, according to a detailed blueprint released on Friday.

The plan envisions a $3.4 billion request to implement the Environmental Protection Agency's Clean Air Act, Clean Water Act, and other statutes, up from $2.8 billion in the current budget. That funding would cover a huge range of activities, such as creating ways to attain ambient air quality standards and overseeing states' management of hazardous waste.

Agency-wide, Biden's budget would raise EPA staffing to 15,206 full-time employees, up from 14,144.

The budget "makes sure all EPA offices have the operational budgets and workforces they need to deliver for the American people," Administrator Michael Regan said in a statement.

Biden's overall funding ask for the EPA is a 21.6% increase over what it currently receives. The request represents what would be the biggest budget the EPA has ever received.

Congressional appropriators routinely ignore presidential budget requests, meaning Biden's plan is mostly a statement of values and starting point for negotiations. Broadly, the $11.2 billion funding request is consistent with the White House's ambitious climate and environmental justice agendas.

New Research Dollars
Other parts of the budget call for a 13.8% boost in EPA research. That money would be used for new scientific work on air emissions, water contaminants, chemical safety, sustainable communities, and other issues that could be used to underpin new regulations.

Already the EPA, under Regan, has pledged to start working on new regulations that will require scientific justification. The agency's proposed research budget would rise from $729.3 million to $830 million under the Biden plan.

The budget restores the Air, Climate, and Energy Research Program and bumps up its base funding to $60 million for expanded research on air monitoring, levels for national ambient air quality standards, assistance for local clean air plans, and climate change.

As part of its newly-invigorated research agenda, the budget proposal also envisions EPA working with a new research agency known as the Advanced Research Projects Agency-Climate, which would be modeled on other ARPA programs that already exist for defense and energy. Biden called for the new ARPA-C office in February.

The budget will hand $4 billion to agencies including the Interior Department and NASA for broad research projects aimed at climate change adaptation and resilience. For non-defence agencies, the White House will allow $10 billion in overall clean energy research targeting infrastructure, transportation and industry.

According to a breakdown released by the EPA, $75 million would fund research that informs the regulatory process around per- and polyfluoroalkyl substances (PFAS) enforcement and hazardous substance designation. Chemical safety and toxics standards work under the Toxic Substances Control Act would get an additional $15 million next fiscal year.

Environmental Justice Funding
Biden's request also calls for more than $1.4 billion to support marginalized communities that have been disproportionately impacted by pollution, including $936 million for a new EPA initiative to accelerate environmental and economic justice to clean up pollution and secure environmental justice for communities that have been left behind.

The budget touts the president's request as the largest investment in environmental justice in history. But it also asks for a mammoth $27 billion over 10 years for a new Clean Energy and Sustainability Accelerator that Biden proposed in his infrastructure plan to mobilize private investment into distributed energy resources; retrofit residential, commercial and municipal buildings; and fund clean transportation.

Those investments have a particular focus on disadvantaged communities that have not yet...

Biden vies to replenish agency workforce
Kevin Bogardus, E&E News
https://www.eenews.net/greenwire/2021/05/28/stories/1063733823

President Biden has proposed to rebuild EPA, looking to bolster the agency with hundreds of new employees added to its ranks.

EPA would have 15,324 employees or full-time equivalents on its payroll in 2022 under the president's budget blueprint, according to budget documents released today by the agency.

Overall, approximately a thousand new employees could join EPA under Biden's budget proposal, returning the agency to staffing levels not seen since the end of the Obama administration.

"After decades of under-investment in a modern-day workforce, a failure to partner with labor unions, and ongoing, unwarranted attacks on its independence, the civil service is in need of repair and rebuilding," said one document from the Office of Management and Budget. "The Administration has already taken swift action to deliver on that goal."

The staffing boost for EPA follows the administration's initial budget proposal, released last month. That proposal said more than $110 million was needed to restore "critical staff capacity" at the agency and estimated EPA lost nearly 1,000 staff over the past four years.

Biden wants more money for EPA overall. Under his plan, the agency's budget would be $11.2 billion for fiscal 2022, a $2 billion or a roughly 21% increase over current funding levels.

It's a stark difference for EPA. The Trump administration proposed to cut the agency's budget by a quarter or more. Career employees were frustrated by the proposed steep budget cuts as well as rollbacks of environmental rules, and many left EPA.

Congress ignored those budget requests by the prior administration and isn't likely to follow Biden's lead either.

Nevertheless, lawmakers last year did sign off on a modest spending increase of about 2% for EPA, giving the agency $9.2 billion in funds for fiscal 2021. Democrats, controlling both the House and Senate, will push for greater funding for the agency in upcoming appropriations legislation.

Air
The White House seeks an unprecedented boost in spending for the Diesel Emissions Reduction Act (DERA) program, which hands out grants to replace or retool older diesel-powered vehicles, locomotives and other equipment with cleaner-burning models. Under the proposed budget, the program would receive $150 million in fiscal 2022, a two-thirds increase from this year's $90 million level.

That request also represents a policy about-face from the stance of the past two administrations. Both Presidents Obama and Trump repeatedly sought to slash DERA funding, only to be overridden by Congress, where the program enjoys bipartisan support.

But the proposal would keep spending for Targeted Airshed Grants, which are geared to communities with serious soot and smog pollution, at this year's $59 million threshold.

Environmental justice
The plan also included strong language on environmental enforcement, which has decreased considerably in recent years. The plan says the program "seeks to aggressively pursue violations that threaten communities, ensure a level economic playing field by ensuring that violators do not realize an economic benefit from noncompliance, and deter future violations."

While the Trump enforcement office emphasized compliance with industry over punitive action, the Biden plan signals a tougher approach — one that will "refocus efforts toward areas with significant noncompliance issues and where enforcement can address the most substantial impacts to human health and the environment."

The plan also proposes $50 million in competitive environmental justice grants and a $10 million Environmental Justice Training Program. That program is "charged with increasing the capacity of residents of underserved communities to identify and address disproportionately adverse human health or environmental effects."

More broadly, acting OMB Director Shalanda Young said racial equity issues are built into all of its programs across the federal government.

Asked why there wasn't a breakout line for...

US litigation round-up
N/A, Chemical Watch
https://chemicalwatch.com/272411/us-litigation-round-up

NGOs seek to keep methylene chloride TSCA evaluation in court
Labour and environmental groups and several US states have until 1 June to reply to a US EPA motion seeking remand of its TSCA risk evaluation for methylene chloride.

The US EPA on 13 May asked the US Court of Appeals for the Ninth Circuit to send the evaluation back to the agency, explaining that it plans to "revisit" several of the underlying assumptions made by the previous administration in its TSCA risk determinations.

The petitioners did not consent to the remand, however, despite their support for many of the policy changes, the agency said it planned to pursue. If the case remains in court, the petitioners could hope to secure a lasting court ruling that could better withstand additional changes from a future administration.

The case is Neighbors for Environmental Justice, et al v US EPA.

Parties seek more time to resolve discovery in TSCA transparency case
The EPA and several NGOs have asked a federal court to give them more time to resolve differences over what evidence should be considered in a case seeking greater public disclosure of information about the agency's TSCA new chemicals reviews.

"The parties are discussing options to narrow the scope of factual and legal issues presented to the court, which may minimise the potential for future disputes over the availability and scope of discovery," they told the court in a filing.

The parties said they plan to submit an updated case management statement on the status of their discussions by 6 July.

The case is EDF, et al v Regan.

Court denies request for same judge to hear separate asbestos lawsuits
A federal district court has denied a request from anti-asbestos advocates to have a single judge oversee two different cases, one involving reporting requirements for the substance and another seeking clear deadlines for the EPA to complete a supplemental risk evaluation of asbestos' legacy uses.

The Asbestos Disease Awareness Organization (ADAO) and other groups had asked the court to declare the cases 'related', which would have paved the way for both cases to be heard by the judge presiding over the action seeking to expand company reporting requirements for asbestos. That case is reportedly close to a final settlement.

The cases are ADAO, et al v Wheeler; and ADAO, et al v Regan.

Industry Study Says 'Commercial Relevance' Is Key To Defining PFAS
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/industry-study-says-commercial-relevance-key-defining-pfas

A newly released, industry-backed report claims only a few hundred per- and polyfluoroalkyl substances (PFAS) are "commercially relevant," rather than the thousands environmentalists say are active in commerce, a figure the study's lead author says would clear the way for easy subgrouping of the chemicals for regulation.

The May 14 study "Identification and Classification of Commercially Relevant Per- and Poly-fluoroalkyl Substances (PFAS)" is a response to environmental groups and others' use of a 2018 Organisation for Economic Co-operation and Development (OECD) report to argue that there are at least 4,730 PFAS in commerce today, lead author Bob Buck, a technical fellow at Chemours, tells Inside TSCA.

"They actually didn't say that this list was a list of commercial substances. The difficulty has been that a lot of people have used it that way and said that it is," Buck says.

Rather, the new study argues that there are just 256 "relevant" PFAS being produced by the three "major global producers" that contributed data on their chemical uses.

While Buck says that figure "does not represent the global inventory of PFAS" because of the limited data set, it is still a potentially crucial difference because the 4,730 figure has become a key part of environmentalists' arguments for regulating all PFAS as a unified class under the Toxic Substances Control Act or state policies.

While industry says setting uniform limits on use of all perfluorinated chemicals is unwarranted, proponents counter that evaluating risks from more than 4,000 chemicals individually or in subgroups is practically impossible, leaving class-based regulation as the only reasonable option.

But Buck says the OECD report was never intended to produce an inventory of "relevant" chemicals that agencies like EPA would need to assess and regulate in order to manage exposure risks.

"The OECD commissioned [the 2018 report], and authors created a list, they looked at a lot of inventories, and they talked about a whole bunch of different [PFAS] substances," he says.

In contrast, the May 14 study, which drew on data from PFAS manufacturers Chemours, Daikin Industries, and AGC Chemicals and was published in the journal Integrated Environmental Assessment and Management, sought to identify which of the 4,730 substances are "commercially relevant" enough to warrant regulation.

Buck says his study used the same definition of PFAS that OECD applied in its 2018 report when "[querying] individual company databases and company subject matter experts to identify the commercially relevant substances on the list,"

sidestepping debate over how to categorize chemicals as PFAS.

It then gathered and categorized those results into substance classes for PFAS that were established in a 2011 industry stakeholder study, Buck et al.

"241 commercially relevant substances were reported that met the PFAS definition set forth in 2011," the study says. "An additional 15 substances reported did not meet the 2011 definition because they are either hydrofluoroethers (HFEs), hydrofluoroolefins (HFOs), refrigerants, or contain an aromatic ring, all of which were excluded in the 2011 definition. Therefore, a total of 256 substances were identified in this bottom-up survey."

And the study suggests that those 256 chemicals could be classified into five sub-classes for regulatory use: non-polymer perfluoroalkyl, non-polymer polyfluoroalkyl, fluoropolymers, perfluoropolyether polymers, and side-chain fluorinated polymers."

It argues that each group "possess[s] very different physical-chemical properties and toxicological profiles," meaning members of separate categories "should not be grouped together when evaluating their risk to humans and the environment."

But Buck says that if regulators adopt that subgrouping approach or a similar one, it could better "enable" PFAS risk assessment and regulation. "Let's really identify the things that are important," he says, adding, "Let's use the...

EPA Scientist Touts NAM Approach Used To Withdraw Inhalation SNUR
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/epa-scientist-touts-nam-approach-used-withdraw-inhalation-snur

An EPA toxicologist says agency scientists, industry and citizen groups have jointly developed a weight of evidence approach for applying new alternative methods (NAMs) in regulatory work that the agency has already used to justify scrapping a significant new use rule (SNUR) for inhalation risks from a polymer chemical.

Gino Scarano, a toxicologist at EPA's Office of Pollution Prevention and Toxics, told attendees at a May 26 webinar on NAMs that agency scientists working with the company IFF were able to use the approach to revisit prior Toxic Substances Control Act (TSCA) findings on potential risks from inhaling a new polymer the firm was seeking to market, and ultimately determined that a SNUR EPA had issued based on the original information in IFF's pre-manufacture notice was unnecessary.

"IFF contributions did lay groundwork for more refinements of how we were looking at high molecular weight polymers," Scarano said in his presentation to the event. "Some of my colleagues worked with IFF, other partners, and [non-governmental organizations (NGOs)], in accordance with [TSCA] section 4(h). This collaboration led to refinement of inclusion or exclusion criteria. Includ[ing] some respirability and endpoints."

Scarano said that based on joint research with those industry and NGO partners using computational models and studies of synthetic lung fluid -- so-called in silico and in chemico approaches respectively -- officials determined that the already-issued SNUR for an IFF polymer known as alpha-1,3-glucan was no longer necessary.

Specifically, they found that newly-developed information showed the polymer did not pose the level of risk EPA originally identified when it applied conservative default assumptions, and revoked the rule in April 2020.

And IFF is touting the project as a model for the future in an article published in the April issue of the journal Chemical Research in Toxicology, which describes the method as "a tiered approach to evaluate polymer lung overload."

"Such methodologies may be utilized to build a weight-of-evidence and to potentially waive the need for animal testing

when evaluating the potential of a polymer to produce lung overload and further that nonanimal data may be used to justify lifting chemical rules," the article reads.

Officials' use of NAMs as the basis for withdrawing a SNUR helps show how far EPA's use of the novel test methods has come as it works to implement TSCA's mandate to reduce animal testing "to the extent practicable, scientifically justified, and consistent with the policies" of the law.

Most prominently, agency scientists are developing a "proof of concept" for using NAMs to help select those existing chemicals to prioritize for risk evaluation under TSCA -- potentially providing an answer to the long-standing question of how to address data gaps on those chemicals before they enter the prioritization process, which starts a series of strict statutory deadlines that limit how much and what new testing officials can conduct.

But efforts to quickly ramp up use of NAMs have met resistance from groups that favor strong regulations on chemicals, including environmentalists and the agency's own Children's Health Protection Advisory Committee (CHPAC), who have argued that while computational and synthetic test methods can help identify potential chemical risks as a supplement to animal testing, they are not yet advanced enough to replace the traditional methods altogether.

In particular, CHPAC sent a Jan. 26 letter to EPA where, as part of a broader set of recommendations for TSCA prioritization, it warned against using NAMs to establish the absence of hazard from any particular chemical or use.

The panel argued that while NAMs can provide useful toxicity data, they have so far been unable to "capture the most critical hazard endpoints for children's health where complex biological systems are involved (such as reproductive and developmental toxicity...

Trump appointees swayed dicamba approval, watchdog reports
Britt E. Erickson, Chemical & Engineering News
https://cen.acs.org/environment/pesticides/Trump-appointees-swayed-dicamba-approval/99/i20

The US Environmental Protection Agency did not follow established procedures in 2018 when it extended approval for herbicides containing dicamba, a report by the EPA's inspector general (IG) office concludes. The failure to follow procedures that ensure scientifically sound decisions regarding pesticide registrations violated the agency's scientific integrity policy, the report says. Specifically, the investigation found that the EPA did not internally peer review scientific documents used to support dicamba registrations. Senior-level Trump appointees were also more involved in the dicamba decisions than in those regarding other pesticides, according to staff scientists interviewed by the IG office. The staff scientists told the office that they had concerns about political appointees' omitting conclusions about the potential for dicamba to drift to nontarget plants but said they felt constrained from sharing those concerns. Environmental groups challenged the EPA's 2018 dicamba decision, and a federal appeals court ruled in their favor last year, ordering the agency to vacate the registrations. Late last year, however, the EPA revived two of the registrations.

US EPA round-up
N/A, Chemical Watch
https://chemicalwatch.com/272187/us-epa-round-up

Senate committee advances chemicals office nomination
The Senate Environment and Public Works (EPW) committee voted by a 19-1 margin to approve the nomination of Michal Freedhoff to serve as assistant administrator to the US EPA's Office of Chemical Safety and Pollution Prevention (OCSPP).

The EPW's approval, which follows a 12 May hearing where Dr Freedhoff testified before the committee, advances her

nomination to the full Senate for consideration.

Agency formally scraps science transparency rule
The EPA has finalised a 'vacatur rule' that officially rescinds a controversial Trump-era rule that had required science underlying regulatory decisions to be publicly available, but which critics had feared would result in key studies being disregarded.

The agency's formal revocation of the rule, 'Strengthening transparency in pivotal science underlying significant regulatory actions and influential scientific information', follows a 1 February decision from a federal court to vacate the rule.

EPA consults on fumigant draft review
The EPA has proposed stricter safety measures for the use of the fumigant sulfuryl fluoride. Outlined in a duo of draft human health and ecological risk assessments for the chemical, they are open for public comment until 24 July.

Sulfuryl fluoride is a fumigant used to control pests such as termites, bedbugs, rats and mice. It is a restricted-use pesticide, meaning it can only be used by a certified applicator or someone under the certified applicator's direct supervision.

The agency is proposing several new risk mitigation measures for the use of the biocide. This includes requirements for:

an increased aeration time of 12 to 24 hours during use of sulfuryl fluoride;
a management plan for residential fumigations;
additional registrant-sponsored stewardship and training for users of the fumigant; and
more warning signs on product labels.
The assessments come in response to a 2016 report by the EPA Office of Inspector General (OIG), which found the agency could do more to prevent deaths and serious injuries caused during residential fumigations.

After considering the public comments, the EPA will issue its proposed interim decision and amend sulfuryl fluoride's registration under the Federal Insecticide, Fungicide, and Rodenticide Act (Fifra).

Fragrance group submits data on HHCB
The Fragrance Creators Association has submitted to the agency exposure data on 1,3,4,6,7,8-hexahydro-4,6,6,7,8,8-hexamethylcyclopenta [g]-2-benzopyran (HHCB or galaxolide), one of 20 high-priority chemicals currently undergoing a TSCA risk evaluation.

The submission includes data on product concentrations and volume of HHCB used.

Agency to hold public listening sessions on RMP rule
The EPA has announced two virtual public listening sessions on the risk management plan (RMP) rule, which requires facilities that handle hazardous substances to develop plans for preventing accidental releases.

The RMP rule is a "critical piece" of the agency's effort to address environmental justice issues and was identified for review under a presidential executive order.

EPA invites comments on Fifra panel nominees
The agency has called for public comments on nominations for scientific experts to participate in its Fifra scientific advisory panel (SAP).

The SAP runs under the EPA's Office of Chemical Safety and Pollution Prevention (OCSPP) to give scientific advice on issues falling under Fifra. It is composed of biologists, statisticians, toxicologists and other experts.

The agency is selecting new members to serve on the panel to replace those whose terms will soon expire. Current

members of the Fifra SAP are also eligible for reappointment.

Comments on the nominees will be accepted until 21 June.

EPA Hid Science on Dicamba Harms in 2018
Cory Allen Heidelberger, Dakota Free Press
https://dakotafreepress.com/2021/05/27/epa-hid-science-on-dicamba-harms-in-2018/

Last summer, the Ninth Circuit Court of Appeals found that in 2018, the Environmental Protection Agency downplayed or ignored multiple known hazards of Monsanto's crop-wrecking dicamba herbicide. Now the federal Office of the Inspector General backs up that judicial finding, saying high-ranking members of the previous Administration's EPA put their political thumbs on the scale to hide scientific evidence of dicamba's dangers:

In the watchdog report released today, investigators said the EPA's actions on the dicamba registrations left the decision "legally vulnerable," spurring the 9th Circuit Court of Appeals' decision to vacate the 2018 registrations for understating some risks and failing to acknowledge others entirely.

The report stated that while division-level management review of pesticide safety documents is part of the typical EPA procedure, senior leaders were "more involved in the 2018 dicamba decision than in other pesticide registration decisions." As a result, senior-level managers made "changes to or omissions from scientific documents."

For instance, the documents excluded some conclusions by staff scientists about dicamba's drift risks, according to the report. The investigators also found that some staff felt "constrained or muted" about sharing their concerns [Center for Food Safety, "EPA Watchdog Report: Senior Staffers in… EPA Changed, Omitted Science During 2018 Review of Dicamba; Skipped Internal Peer-Review Process," 2021.05.24].

Last June's Ninth Circuit ruling had effectively banned dicamba, but the environmentally predatory EPA rushed to reapprove dicamba just a week before the 2020 Presidential election in an attempt to shore up farmer support for the incumbent. Food and farm groups thus had to sue again to protect the public from this politically motivated anti-science. Those groups hope this new IG report will spur the Biden Administration to overturn the latest bum dicamba rules. Encouragingly for those groups' cause, the Biden Administration is acknowledging the EPA's failure to act responsibly on dicamba:

"The dicamba incident described in this draft report did not occur due to a lack of awareness of or training on the agency's scientific integrity policy," said Michal Freedhoff, principal deputy assistant administrator, Office of Chemical Safety and Pollution Prevention. "It occurred because [the office's] past senior leadership consciously chose to advance a policy outcome in a manner inconsistent with the scientific integrity policy."

…Freedhoff, the EPA official, did promise a new approach going forward at EPA, saying scientific conclusions "must be based exclusively on scientific (not policy) considerations" and her office was in the process of "emphasizing these points to all our managers" [Eric Katz, "EPA Admits to Altering Science… Pledges New Course," Government Executive, 2021.05.25]

The October dicamba surprise actually rubbed Big Ag practitioners the wrong way, as it still imposed too many restrictions on their factory farming practices, including 300-foot buffer requirements in several South Dakota, North Dakota, Minnesota, Iowa, and Nebraska to protect an unnamed endangered species. The South Dakota Department of Agriculture hasn't updated its guidance on dicamba since last June's ban. But if you're trying to figure out which chemicals are safe to use on then farm, your best bet is to ignore anything the EPA said between January 20, 2017, and January 20, 2021.

New Report: EPA Violated Usual Procedures in 2018 Dicamba Registration
Lindsay Campbell, Modern Farmer
https://modernfarmer.com/2021/05/new-report-epa-violated-usual-procedures-in-2018-dicamba-registration/

The latest development in the dicamba drama.

A new report from a federal watchdog calls the Environmental Protection Agency (EPA) into question over its 2018 decision to register three dicamba herbicides.

The document, released by the Office of the Inspector General on Monday, highlights how the agency under the Trump administration did not follow the usual rules and procedures in this process in the lead-up to making the decision. It notes that the EPA did not undergo peer reviews of scientific documents that were created to inform the decision, and at the time, senior leaders in the Office of Chemical Safety and Pollution Prevention (OCSPP) were largely involved. The report said this led to the omission of scientific documents to address stakeholder risks. It also details how staff felt muzzled in sharing their concerns around dicamba registrations.

"The EPA's Scientific Integrity Policy affirms that the Agency's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which the EPA relies," the report says. "We found that the EPA's 2018 decision to extend registrations for three dicamba pesticide products varied from typical operating procedures."

The document echoes many of the same points outlined in an internal memo from an EPA staff member that was released in March. The memo explained that registration decisions of dicamba were tainted by political interference under the Trump administration. It stated that such interference compromised the integrity of science and that OCSPP senior leadership directed staff to discount specific studies used to assess risks, benefits and negative impacts.

The initial controversy around dicamba is grounded in reports that it can be particularly destructive when it vaporizes and travels miles away from its initial application site. It's reportedly caused severe damage to forests and crops that are not genetically altered to be resistant to the herbicide. This phenomenon, known as "dicamba drift," has incited legal battles with environmental groups and caused several states to issue preliminary bans on dicamba. There was also a 2020 appeals court ruling, which prohibited the use of three products containing dicamba—the very ones the EPA registered in 2018. Despite this, the EPA extended its registration later that year for one dicamba product and announced a decision to register two end-use products "for applications only on dicamba-tolerant cotton and dicamba-tolerant soybeans."

Products of the latest registration decision will expire in December 2025, unless EPA decides to amend. Although it is not clear what the new report means for the future of dicamba, it outlines three recommendations for corrective action. This includes a proposal that would require senior managers, who make changes to scientific documents, provide reasons for such changes. It recommends that there be a verification statement issued for all decisions, saying that scientific integrity policy requirements were reviewed and followed. Lastly the report recommends there be annual training for all staff to affirm the office's commitment to its scientific integrity policy.

The report indicates that recommendations one and three are resolved and "pending." The second proposal is still unresolved.

PFAS chemicals found in some garden fertilizers, according to study
Vivien Leigh, NBC News Center Maine
https://www.newscentermaine.com/article/tech/science/environment/pfas/pfas-chemicals-found-in-some-garden-fertilizers-in-maine-according-to-study/97-1e20a30a-d73c-4dc4-bb39-204f84427a39

SOUTH PORTLAND, Maine — A new report says compounds known as "forever chemicals" may already be in your backyard. The report, based on findings from the Ecology Center and the Sierra Club, says at least half a dozen common lawn and garden fertilizers have concerning levels of PFAS chemicals.

The industrial compounds are in a number of household products, clothing, and firefight foam. They don't break down in the human body or the environment and have been linked in federal health studies to health issues including organ cancers.

Scientists sampled nine different fertilizers for more than 30 PFAS chemicals. The fertilizers were purchased in several different states including Maine and Michigan. All contain sludge or biosolids, leftover from wastewater treatment plants, but the source of the biosolids is unknown.

Eight out of nine fertilizers have levels above Maine's advisory screening limit for PFAS in sludge, according to the study.

"These product labels use what we think are misleading terms of 'eco,' 'natural,' or companies use the name 'organic,' but evidence shows that biosolids can have persistent chemicals," Sonya Lunder, the senior toxics advisor for the Sierra Club, said.

The report, "Sludge In the Garden: Toxic PFAS in home fertilizers made from sewage sludge," also implies the fertilizers could contaminate the food you grow in your garden. Ph.D. scientist, Linda Birnbaum, the former U.S. Toxicologist also reviewed the report.

"We know that the PFAS that you put on your garden, some of it is going to be taken up by the plants either directly through the roots," Birnbaum pointed out during a nationwide conference call with members of the news media.

NEWS CENTER Maine found two fertilizers on the list: Ecoscraps Slow Release Fertilizer, at a big-box retailer, and Earthlife Natural Fertilizer, manufactured by the New England Fertilizer Company in Massachusetts, at a garden center.

The New England Fertilizer Company is a member of the North East Biosolids & Residual Association (NEBRA), which released a statement on behalf of New England Fertilizer Company. Janine Burke-Wells, Executive Director of NEBRA, told NEWS CENTER Maine, "Earthlife is generated in Massachusetts, so it is subject to quarterly testing requirements for five to six PFAS contaminants."

The association also represents a number of municipal wastewater utilities in New England and Maine, agrees with the report's recommendation that something needs to be done to stop PFAS from getting into waste streams and the environment.

Earthlife is distributed by Casella Organics. Jeffrey C. McBurnie, the director of compliance for Casella Resource Solutions and a former member of Gov. Janet Mills' PFAS task force, told NEWS CENTER Maine, “Casella does not manufacture the Earthlife fertilizer pellets referenced in the Sierra Club report."

"We market and distribute them under our Earthlife brand. Any biosolids product that we distribute in Maine must first be approved for use by the Maine DEP. With regard to PFAS, that means demonstrating that continued use of these products will not cause soils to exceed PFOS and PFOA limits," McBurnie said.

Consumers meanwhile are being encouraged to voice their concerns to retailers that sell fertilizers included in the Sierra Club study. There are alternatives to fertilizers such as leaf litter, but experts advise some caution when it comes to using food compost.

Patrick MacRoy, the executive director of Defend our Health, an environmental and public health advocacy organization, said, "Gardeners should not include wrappers and containers that may be compostable but have PFAS in them."

Scientists say consumers can look for terms such as "biosolids," "residuals," or "municipal waste," next time they reach for a bag of home garden fertilizer.

Dicamba users urged to follow new label requirements, cutoff date
The Globe Staff, The Globe
https://www.dglobe.com/business/agriculture/7040087-Dicamba-users-urged-to-follow-new-label-requirements-cutoff-date

ST. PAUL — The Minnesota Department of Agriculture (MDA) urges pesticide applicators to take special care while applying dicamba products this growing season.

To prevent off-target movement, the U.S. Environmental Protection Agency has made substantial changes to the 2021 dicamba labels specifically related to application cutoff date, buffer distances and record keeping requirements. MDA reminds users that the label is the law.

For the 2021 growing season, applicators may use the three dicamba products, XtendiMax, Engenia and Tavium, on dicamba-tolerant soybeans until June 30. The federal label prohibits applications of these products after June 30 to dicamba-tolerant soybeans. Regardless of cutoff date, applications are prohibited after V4 growth stage for Tavium and after R1 stage for XtendiMax.

Additionally, the labels require a 240-foot downwind buffer and prohibits applications if the wind is blowing toward an adjacent sensitive crop. Sensitive crops include, but are not limited to, non-dicamba-tolerant soybeans, sugar beets, tomatoes, fruiting vegetables, fruit trees, cucurbits, grapes, beans, flowers, ornamentals, peas, potatoes, sunflower and other broadleaf plant crops.

Only certified applicators can legally purchase and use these formulations of dicamba because they are classified as "restricted use pesticides."

EPA Begins Environmental Justice Consultation on Risk Management Rulemaking for NMP
Lynn Bergeson and Carla Hutton, Bergeson & Campbell Blogs
http://www.tscablog.com/entry/epa-begins-environmental-justice-consultation-on-risk-management-rulemaking

The U.S. Environmental Protection Agency (EPA) announced on May 27, 2021, that it has invited environmental justice communities and stakeholders to participate in environmental justice consultations regarding the development of a proposed risk management action under Section 6(a) of the Toxic Substances Control Act (TSCA) to address unreasonable risks presented by N-methylpyrrolidone (NMP). EPA will hold two identical consultation webinars, one on July 7, 2021, and the other on July 13, 2021. Both sessions will provide an overview of the TSCA risk management requirements, the findings from the final risk evaluation, the tools available to manage the unreasonable risks from NMP, and an opportunity for EPA to obtain input on environmental justice concerns. The consultations are open to the public, and EPA is inviting national, local, and non-governmental organizations, communities, and other interested stakeholders to participate. Comments are due August 27, 2021.

EPA states that in addition to these environmental justice consultations, it is executing a "robust" outreach effort that includes consultations with small businesses, state and local governments, and tribes. There will also be an open public comment period on proposed risk management regulations. EPA notes that while outreach and stakeholder engagement on risk management activities for NMP move forward, it is "actively reviewing" the final risk evaluation to ensure it uses the best available science and protects human health and the environment, in accordance with the Executive Orders and other direction provided by the Biden-Harris Administration. EPA will keep stakeholders updated as it makes decisions and determines next steps.

More information on EPA's final risk evaluation of NMP is available in our December 29, 2020, memorandum, "EPA Releases Final Chemical Risk Evaluation for NMP."

EPA Wipes Trump-Era Censored Science Rule from the Books
Ben Levitan, Environmental Defense Fund
https://www.edf.org/media/epa-wipes-trump-era-censored-science-rule-books

The U.S. Environmental Protection Agency is formally removing the text of the dangerous Trump-era Censored Science Rule from the books. The action implements a federal court decision from earlier this year striking down the rule after Environmental Defense Fund and its partners filed suit.

"The Censored Science Rule would have undermined EPA's vital mission to ensure that families in every community across America are protected from dangerous pollution and toxics," said EDF senior attorney Ben Levitan. "EPA can now fulfill its legal obligation to develop public health and environmental protections without this unlawful roadblock that the Trump administration tried to leave behind."

The Censored Science Rule would have impeded EPA's ability to protect public health and the environment by fundamentally undercutting the ways in which the agency may have considered scientific evidence. It would have restricted EPA's ability to use rigorous, peer-reviewed medical research for which underlying data are not publicly available – even when legal and ethical rules, like medical privacy laws, would have prohibited making that data public.

EDF partnered with Montana Environmental Information Center and Citizens for Clean Energy to file a lawsuit against the Censored Science Rule in January. The litigation resulted in a federal district court in Montana overturning the Censored Science Rule on February 1 – just weeks after the rule was finalized.

EPA is now upholding the court's decision by removing the text of the Censored Science Rule from the Code of Federal Regulations. The agency's removal of the Censored Science Rule will be published in the Federal Register on Wednesday, June 2.

EPA Considering Expanded TSCA CDR and TRI Reporting Requirements, Environmental Justice Analyses
Joseph Green, Kelley Green Law
https://www.kelleygreenlawblog.com/2021/05/epa-considering-expanded-tsca-cdr-and-tri-reporting-requirements-environmental-justice-analyses/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=LinkedIn-integration

The new 2021-2023 strategic plan of the U.S. EPA's Office of Pollution Prevention and Toxics (OPPT) floats a series of potential expanded reporting requirements under the agency's Toxic Substances Control Act (TSCA) Chemical Data Reporting (CDR) and Environmental Protection and Community Right-to-Know Act (EPCRA) Toxic Release Inventory (TRI) programs. The TRI and CDR programs are the most significant and wide-reaching chemical reporting programs administered by the agency and the source of much of the data EPA relies on to guide regulatory actions involving all of the agency's programmatic offices, including air, water, waste, pesticides and chemicals.

The internal EPA planning document (recently obtained and released by Inside EPA) includes a number of noteworthy changes under consideration, though lacks additional explanation or detail, including:

"Develop option for annual CDR reporting for priority chemicals": CDR currently requires manufacturers and importers of chemicals to report on-site production and downstream use and exposure information to EPA every four years. It is unclear whether the plan refers to (as some accounts have suggested) "optional" facility reporting on an annual basis or

— more likely in this author's view — development of a rulemaking "option" for OPPT to establish mandatory annual CDR reporting for certain chemicals of high interest;
Expansion of TRI reporting to additional industry sectors, including, specifically, Natural Gas Processing;
Expanding the list of PFAS chemicals subject to TRI reporting; and
Enhanced CDR and TRI data analysis to support environmental justice (EJ) and TSCA chemical prioritization initiatives.
For OPPT, the CDR and TRI databases are critical sources of information for chemical risk evaluations, the pace of which is increasing substantially as EPA implements the aggressive chemical assessment mandates from the 2016 TSCA amendments. While annual reporting may make sense for certain chemicals/activities — such as TRI, where environmental releases may vary on a year-to-year basis (e.g., due to one-time release events), the utility of annual CDR reporting is questionable, as production volumes and the downstream exposure patterns for most chemicals typically do not vary substantially for the large majority of reporting facilities. Balancing these factors will be critical in ensuring that any revised CDR rule does not simply result in repetitive "busy work" for most companies.

In keeping with the Biden Administration's focus on environmental justice, the plan alludes to a greater emphasis on utilizing the CDR/TRI data to identify underprivileged communities (e.g., "conduct TRI/EJ mapping projects") and the chemicals that pose heightened risks to those communities.

A copy of the OPPT strategic plan is available here.

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- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

And while you're reading.... Remember to shoot your coworkers a shooting star!

Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 6/3/2021 3:25:57 PM
To: Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Qian, Yaorong [qian.yaorong@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: FW: PFAS in pesticides
Attachments: Comment on Fluorinated Pesticides-v2.pdf

From PEER as a follow-up to the conversation we had last week. Thanks.

From: Kyla Bennett <KBennett@peer.org>
Sent: Thursday, May 27, 2021 3:54 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Timothy Whitehouse <twhitehouse@peer.org>
Subject: PFAS in pesticides

Hi, Kimberly. As promised, here is the Sierra Club's analysis of PFAS in Massachusetts registered pesticides.

Best,

Kyla

Kyla Bennett, PhD, JD
Director, New England PEER
P.O. Box 574
North Easton, MA 02356
508-230-9933
kbennett@peer.org
www.peer.org

Recommendations on Fluorinated Pesticides

Massachusetts Sierra Club
April 20, 2021

Summary

Synthetic organic pesticides have incorporated fluorine since their beginning in the 1940's. Some pesticides have included PFAS (per- and polyfluoroalkyl substances) since at least 1989. The active ingredients of several current pesticides are included in the EPA PFAS Master list. Hundreds of other ingredients would be considered PFAS under various definitions. However, Responsible Industry for a Sound Environment (RISE), a U. S. pesticide industry group, recently denied that any "PFAS chemistry" was used in pesticides.[1]

In 2020, MassDEP published standards for PFAS in drinking and ground water. This rule covers a subgroup of six related prevalent PFAS chemicals due to their high toxicity and persistence. One of them, PFOS, is the primary degradant of insecticide ingredients that were available to consumers until recently in Massachusetts. Numerous experts have called for regulating PFAS as a class.[2] The Massachusetts Sierra Club urges the Pesticide Board to further protect our "right to clean air and water" from PFAS and restrict all fluorinated pesticide products. These more than 2000 mostly General Use products account for over 12% of all products registered in Massachusetts.

History

Commercial fluorochemistry was developed in the 1940s. PFAS, a large and still growing group of synthetic fluorinated hydrocarbons, were commercially developed in the 1950's, and have found widespread use.[3] The industry has known that PFAS (especially PFOA & PFOS) are toxic to mammals since at least 1978. The EPA

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[1] E. A. Crunden and Ariel Wittenberg, "Common mosquito pesticide packed with PFAS", *E&E News*, March 26, 2021.
[2] Carol F. Kwiatkowski et al., "Scientific Basis for Managing PFAS as a Chemical Class", *Environ. Sci. Technol. Lett.* 2020, 7, 8, 532–543, June 30, 2020 https://doi.org/10.1021/acs.estlett.0c00255
[3] https://www.3m.com/3M/en_US/pfas-stewardship-us/pfas-history/

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became concerned about PFAS toxicological studies in 1998.[4] EPA worked with industry to withdraw certain PFAS pesticides around 2000. The EPA issued its first PFAS health advisory in 2009.[5]

Synthetic organic pesticides have been in use since the 1940's. DDT's application as an insecticide was discovered in 1939 and released to the agricultural market in the U.S. in 1945. The next year, a fluorinated version of DDT that added one fluorine atom to each phenol group was invented apparently partly to circumvent the original patent.

The first fluoro-herbicide, trifuralin was invented in 1963 and remains one of the most widely used pesticides.[6] The number of fluoro-pesticides have increased considerably since then. Today there are roughly 1200 active pesticide ingredients of which about 16% are fluorinated, and all but a few are organic compounds (e.g., sulfuryl fluoride). These pesticides fall into every category with herbicides, insecticides, and fungicides being the top three. About 300 have been given ISO names and are therefore most likely to be commercially available. The number of fluorinated compounds has been growing. In every year since 1998 "more than 50% of compounds with new ISO common names are fluoro-organic compounds."[7]

Chemistry

Most of these fluorinated pesticides also contain other halogens, usually chlorine. Only sixteen are brominated, a recent development in pesticide technology.[8] Four contain both bromine and chlorine. Of these four, only two are registered in Massachusetts (Chlorfenapyr and Tralopyril) although both have several products per ingredient and are unrestricted (General Use). Chlorfenapyr and Tralopyril are similar chemicals and each contain a trifluoromethyl group (and chlorophenyl and cyanide groups). All halogens are dangerous in their gas form, which adds to the risks presented by manufacturing. Organofluorines all share the same basic chemical production processes (e.g., reliance on hydrogen fluoride, a highly

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[4] "Sharon Lerner, "3M Knew About the Dangers of PFOA and PFOS Decades Ago, Internal Documents Show" *The Intercept*, 2018. https://theintercept.com/2018/07/31/3m-pfas-minnesota-pfoa-pfos/
[5] EPA "2009 Provisional Health Advisory"
[6] But banned in Europe since 2008 primarily due to high toxicity to aquatic life.
[7] Yuta Ogawa et al., "Current Contributions of Organofluorine Compounds to the Agrochemical Industry", *iScience*, Volume 23, Issue 9, 25 September 2020.
[8] Chlorfenapyr was the only one containing both fluorine and bromine in 2004.

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dangerous chemical). Similar concerns are raised by the various phenol groups found in many of these pesticides.

The addition of fluorine (and other halogens) has added to pesticide potency, and increased duration of effect. The potency can derive from halogens' lipophilicity, and duration from chemical stability. These novel pesticides have been introduced to overcome pest resistance to simpler chemistries. Fluorine has generally been recognized as the most powerful of these halogens, which combined with the growing application and lowered costs of organofluorine chemistry, has led to its wide adoption.[9] The downside is that potency and duration can lead to *bioconcentration*. These pesticides can also adhere to particles in water bodies which can first and most notably affect aquatic organisms. The stability in soil leads to greater if not unmanageable environmental *persistence*. All of this ultimately points to increased chemical burdens in humans and resulting harms to health.

PFAS Pesticide Products

The toxicity of a specific class of organofluorines, PFAS, has led to the application of some of them as pesticides. They include most notably three PFOS (C8) chemicals:

- Sulfluramid - From Dow Chemical and marketed nationally from 1989 until at least 2002. This general use consumer product was commonly applied against ants, cockroaches (S. C. Johnson Raid Max Roach Bait) and termites (Spectrum Sprectracide). Still used in South America ("Mirex").
- Lithium perfluorooctane sulfonate (LPOS) - voluntarily withdrawn by 3M in 2000 due to environmental concerns. Still used in Japan as a consumer ant product ("Super Arinosu Korori").
- Flursulamid - Apparently used currently in China.

These three chemicals will degrade to PFOS in the environment. All are listed in EPA PFAS Master list.

PFAS groups are currently found in only a few pesticides.[10] The following serve as the active ingredient in registered products in Massachusetts:

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[9] Peter Jeschke, "Latest generation of halogen-containing pesticides", *Pest Management Science*; vol. 73, p. 1053–1066, Feb. 2017.

[10] One, Flubendiamide, has a pending EPA Notice to Cancel from 2016 due to "risks to aquatic invertebrates." The companies (Bayer and Nichino) would not agree to a voluntary withdrawal. No products in Mass. Source: https://www.epa.gov/ingredients-used-pesticide-products/flubendiamide-notice-intent-cancel-and-other-supporting

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- Hexaflumuron — an insecticide with a polyfluorinated C2 branch + difluorobenzene. In commercial use since at least 1995 against termites. EPA Comptox even places this on the PFAS Master List of PFAS Substances (Version 2). 2 registered products.
- Metofluthrin — a pyrethoid with tetrafluorobenzene, which is considered a PFAS. 24 products including:
    - NuTone Haven Backyard Lighting & Mosquito Repellent System
    - OFF! Backyard Mosquito Repellent Coil - the instructions say "Works in semi-confined areas such as porches, patios and other areas where there is minimal breeze." Also touted as "Metofluthrin [...] is safe and effective in warding off the pesky mosquitoes."
    - Raid Bed Bug Foaming Spray
- Novaluron — an insecticide with two polyfluorinated groups. This pesticide is banned in the EU. 33 products.
- Noviflumuron — insecticide with a short-chain (C3) polyfluorinated group (and Difluorobenzene). Listed on PFAS Master List of PFAS Substances (Version 2). 4 products.
- Pyrifluquinazon — an insecticide that has short-chain (C3) perfluorinated group. Listed on PFAS Master List of PFAS Substances (Version 2). 2 products.
- Tefluthrin — a pyrethoid that contains tetrafluorobenzene, which is considered a PFAS. In use since at least 1989. 9 products.
- Tetraconazole — fungicide that contains a polyfluorinated C2 tetrafluoroethoxy branch (and dichlorobenzene). Listed on PFAS Master List of PFAS Substances (Version 2). 2 products. Used since at least 2001.

There are 89 products for these seven active ingredients. Each of the seven is in General Use (or in case of Tefluthrin have some products that are General Use).

Fluorinated Products

Another 76 organofluorine pesticides with less than seven fluorines have products registered in Massachusetts. These typically fall into the following categories of fluorination:

- A single fluorine atom including fluorobenzene (e.g., Fluoxastrobin or Flutriafol)
- Di- and trifluoromethyl groups. Some have two trifluoromethyl groups (such as Fipronil). Trifluoromethyl groups are the most frequent functional group (whereas for pharmaceuticals it is only one fluorine).[11]

[11] Yuta Ogawa, ibid.

- Difluorobenzene (e.g., Cyflufenamid, which also has a trifluoromethyl group)
- Trifluorobenzene (e.g., Fluxapyroxad, which also has a difluoromethyl group)

While these less fluorinated chemicals do not fit the usual definition of PFAS, the European Union and some US states (such as legislation in New York) have adopted a broadened definition of PFAS that would include chemicals with at least one fully fluorinated carbon atom (such as CF_3).

All of these fluorinated ingredients represent about 2100 products that are registered for use in Massachusetts. This is over 13% of all Massachusetts products. Nearly all of these are general use (which is also typical of all active ingredients).

Environmental Risks

Since organofluorines are so rare in nature and very few natural or human processes can break the carbon-fluorine bond, it is also important to consider the risk from not only the pesticides themselves but also all their numerous human and animal metabolites and environmental degradants. For example, fipronil can first break down into the closely related Fipronil amide, Fipronil sulfone, Fipronil sulfide, and Desulfinylfipronil.[12] Each of these can break down combinatorially into further simpler chemicals. Agrochemicals with trifluoromethyl groups can produce trifluoroacetate (TFA) / trifluoroacetic acid (HTFA). HTFA, a strong, mildly toxic, and persistent acid is now accumulating in surface water, the atmosphere and rain.[13] However, given the large number of active fluorinated ingredients, and that many of these products are understudied,[14] the precautionary principle leads us to limit the use of all fluorinated products as a class to the maximum extent possible.

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[12] Barbara J. Mahler ,"Inclusion of Pesticide Transformation Products Is Key to Estimating Pesticide Exposures and Effects in Small U.S. Streams", *Environ. Sci. Technology* https://dx.doi.org/10.1021/acs.est.0c06625

[13] David A. Ellis et al., "Thermolysis of fluoropolymers as a potential source of halogenated organic acids in the environment", *Nature*, Vol. 412, 19 July 2001, p. 321

[14] This recent paper for example: "the molecular background behind the beneficial effect of fluorine [in agrochemicals] is often missing." Jianlin Han, "Chemical Aspects of Human and Environmental Overload with Fluorine", Chemical Reviews, 2020 (sec. 3.2) https://dx.doi.org/10.1021/acs.chemrev.0c01263

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Recommendations

The Sierra Club has three interrelated recommendations for the Massachusetts Department of Agricultural Resources and Pesticide Board Subcommittee:

1. Suspend the registrations of existing pesticides that contain PFAS groups and not approve any new registrations.[15]

2. Suspend the registrations of all non-essential fluorinated pesticides and not approve any new registrations.

3. Classify any fluorinated products that the Subcommittee deems "essential" that are not already EPA Restricted as State Restricted Use (i.e., for certified applicators only).

Note that "essential" applications for fluorinated products would *exclude* for example crabgrass (e.g., Agway Spring Crabgrass Control) or backyard mosquito products or residential mouse products (e.g., Victor V Fast-Kill Brand Refillable Mouse Bait Station).[16] Essential fluorinated products should also exclude those where a non-fluorinated alternative exists. For example, classes such as neonics and pyrethroids include numerous non-fluorinated products.[17]

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[15] There are EPA Registered PFAS ingredients that are not registered in Massachusetts such as Broflanilide and Lufenuron.
[16] For a discussion of essentiality see:
Ian Cousins, "The concept of essential use for determining when uses of PFASs can be phased out", *Environmental Science: Processes and Impacts*, May 2019.
[17] Note that neither of the natural analogues that inspired these synthetic classes contains any halogens. (Pyrethrin does not contain a phenol group either.)

ED_006319_00000551-00006

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 6/10/2021 6:24:29 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: K. Leifer General -- Agenda 6/10
Attachments: Agenda K Leifer General 6_10_21_.docx

Please see attached

_____

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

Kerry Leifer General – 6/10/2021

Agenda

CITAB Hiring/Staffing

- Status of Inert Team Leader hiring – Selection made in EZHire 6/3; tentative offer made 6/7—PSB "booster shot" needed. Timing?
- Additional hire(s)
- Student Contractor status?
- NOWCC—per recommendation, NOWCC has extend offer to identified selected candidate. (NOWCC process to follow, including PSB)

Acute Toxicity

- Inpyrfluxam Acute Tox and CDPR/Valent issue—discussed 5/27, meeting with FB On 6/15 to prepare response (see pg 3-4 below)
- Process improvements for review assignments and scheduling –Timeline for reviews from date of receipt in CITAB (both PC and AT) discussed with subgroup of PMWG.
- Development of Acute Tox Priority Spreadsheet for RD
- "more examples of problems caused by EPA incompetence and corporate malfeasance" email – *includes Jared Blumenfeld as addressee*

Inert Ingredients

- Propylene glycol and Ray McAllister/CLA et al proposal. Phase 1 letter issued 5/3. Phase 2 letter drafted and circulated for comment 6/7, comments received and addressed (6/9), awaiting OGC 2nd round review.
- PFAS

Ex. 5 Deliberative Process (DP)

- Commodity Inert Ingredients. Requests for further additions.
- Fragrance tolerance exemption petitions—Pat Quinn inquiries—team has developed action plan—response provided to Julie Timberman/Clorox—Biweekly "check-in" meeting with Pat&Julie starting 6/14
- Inert Team has developed detailed spreadsheet of all pending inert actions with eye to efficiencies in assignments/roles
- Bullets of steps being taken to address inert petition backlog has been drafted
- Inert Ingredient Branch Box – customer expectations vs resources—adding auto response language

- Microbial inert ingredients and role of BPPD

Product Chemistry

- Self-Certification—still awaiting OGC response to PR 98-1 certification statement—Allison Payne emailed 2/4
- ACB PC reviewer process continues - assignments made in conjunction with June prioritization
- SWAT TEAM – 2 FHB reviewers, one HB reviewer (started week of 3/8), one IVB2 (NOWCC) reviewer)
- PFAS—review of Clarke products. First batches of reviews completed. Additional actions now in queue—two Clarke actions to be completed 6/7—actions completed, checking with IVB 1 to verify if there are any outstanding actions.
- RAB8—kickoff meeting held 5/25—initial assignments provided to RAB 5/26. Follow up meeting held 6/9 (OPPIN/Documentum training), review of initial assignments scheduled for 6/17

Other CITAB issues/activities

- PFAS—Results of substructure search for PFAS in active ingredients
- CITAB Office hours—next session to be scheduled for 6/16
- Additional funding for contractor—completed. Quarterly briefing with RD IO scheduled for
- CSF Images and Documentum/ITRMD
- CITAB staff questions/concerns regarding telework and GFE (monitors, etc.)

[1] https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/acute-oral-toxicity-and-down-procedure

Dear Ms. Giles-Parker and Ms. Garvie,

Valent U.S.A. LLC has two new product registrations pending with CDPR that were submitted November 2019: S-2399 2.84 SC Fungicide, EPA Reg. No. 59639-230 (Excalia® Fungicide), and S-2399 3.2 FS Fungicide, EPA Reg. No. 59639-231 (Zeltera® Fungicide).

The data packages for these formulations have been reviewed by the US EPA and registration was granted in August 2020. As part of the data packages, a complete set of acute toxicity studies was submitted in support of the registration. The results are described in the tables below.

Following submission of these same data packages to the CDPR for review and approval, CDPR disagreed with the conclusion of the US EPA's interpretation of the acute oral toxicity study (MRID 49706201) for S-2399 2.84 SC Fungicide, 59639-230 (Excalia® Fungicide). The CDPR reviewer determined the LD_{50} was 175 mg/kg, Category II for acute oral toxicity.
The acute oral toxicity study was conducted using the Up-Down technique in conjunction with the Acute Oral Toxicity (Guideline 425) Statistical Program (Westat, version 1.0, May 2001), as recommended by the US EPA [1]. The conclusion of the study report, as reflected by the EPA's Data Evaluation Report (DER), is an LD_{50} of 550 mg/kg. Study results are captured in the table below

CDPR's interpretation of the study results were more conservative and determined the rat oral LD_{50} was 174 mg/kg, toxicity category II. The justification for this conclusion is as follows; "It is this HHA reviewer's contention that due to the paucity of the study results, a conservative interpretation is in order. **Simply the fact that 2 of the 3 animals died when dosed with 550 mg/kg would preclude establishing the LD50 value at 550 mg/kg.** In the probit analysis of dose-response data, the slope of the curve dictates the calculated LD50 value. In this instance the data are so minimal that such an assessment is not possible. **Therefore, it was concluded that the Category II hazard was appropriate for this product in the light of the submitted data**."
The discrepancy in conclusions by the US EPA (LD_{50}=550 mg/kg, Category III) and the CDPR (LD_{50}=174 mg/kg, Category II) presents a conflict and poses critical issues for Valent in terms of labeling and use patterns. The EPA approved the label for S-2399 2.84 SC Fungicide which currently complies with safety and precautionary statements consistent with Category III acute oral toxicity results. If CDPR's conclusion is finalized, Valent will have to amend the label at USEPA to reflect CDPR's recommendation. It is not practical nor feasible to have separate labels for California and the rest of the US. The alternative is to revert to testing techniques that use a large number of animals, which is unacceptable

and is in direct opposition to the EPA's recent proclamation to reduce animal testing by 30% by 2025 and completely by 2035[2]. Furthermore, the up-and-down method using the AOT425 Statistical Program is acceptable for the Series 870 Health Effects Test Guidelines for acute toxicity testing and by the Organisation for Economic Co-operation and Development member nations.

Therefore, Valent is seeking advice from the EPA to rectify the issues created by CDPR's interpretation of the acute oral toxicity study. We would like to ask several questions regarding the issue:

- • Has the EPA encountered similar examples where CDPR had different interpretations for acute toxicity studies? If so how did the Agency address these differences?

- • What are the Regulatory ramifications of having label precautionary statements consistent with toxicity category III for Federal labels while having more precautionary statements on California labels?

- • What options do we have as a company to address these discrepancies in scientific conclusions between Federal and State Agencies?

Message

From: Leifer, Kerry [Leifer.Kerry@epa.gov]
Sent: 6/24/2021 7:27:40 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: K. Leifer General--Agenda 6/24
Attachments: Agenda K Leifer General 6_24_21_.docx

Please see attached

_____

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

Kerry Leifer General – 6/24/2021

Agenda

CITAB Hiring/Staffing

- Status of Inert Team Leader hiring – Selection made in EZHire 6/3; tentative offer made 6/7—PSB review needed. No further information
- Additional hire(s)
- Student Contractor status?
- NOWCC—per recommendation, NOWCC has extended offer to identified selected candidate. (NOWCC process to follow, including PSB)

Acute Toxicity

- Inpyrfluxam Acute Tox and CDPR/Valent issue—discussed 5/27, meeting with FB On 6/15 to prepare response (see pg 3-4 below)
- Process improvements for review assignments and scheduling –Timeline for reviews from date of receipt in CITAB (both PC and AT) discussed with subgroup of PMWG.
- Development of Acute Tox Priority Spreadsheet for RD
- "more examples of problems caused by EPA incompetence and corporate malfeasance" email – response sent by Paul DiSalvo with technical assistance from Julie Breeden-Alemi.
- Substantial Similarity – actions coming to CITAB with >1 cited similar product (in one case 67 MRIDs cited)—not consistent with category and past practices—to be discussed at PMWG
- "Mission Critical"—request from PHS employee

Inert Ingredients

- Propylene glycol and Ray McAllister/CLA et al proposal. Phase 1 letter issued 5/3. Phase 2 letter drafted and circulated for comment 6/7, comments received and addressed. Revisions made (including per M. Goodis 6/16 email) and updated document circulated 6/17. No further feedback has been received.
- PFAS

Ex. 5 Deliberative Process (DP)

- Commodity Inert Ingredients. Requests for further additions—request from HCPA.
- Fragrance tolerance exemption petitions—Pat Quinn inquiries—team has developed action plan—response provided to Julie Timberman/Clorox—Biweekly "check-in" meeting with Pat&Julie started 6/14. Per meeting today with David and Mohamed G. we should have RA document and draft FR ready to go to OGC by week of 7/5.

- Inert Team has developed detailed spreadsheet of all pending inert actions with eye to efficiencies in assignments/roles
- Bullets of steps being taken to address inert petition backlog has been drafted
- Inert Ingredient Branch Box – customer expectations vs resources—added auto response language
- Microbial inert ingredients and role of BPPD –Seiichi identified as contact by Catherine (THANK YOU)

Product Chemistry

- Self-Certification—still awaiting OGC response to PR 98-1 certification statement—Allison Payne emailed 2/4
- ACB PC reviewer process continues - assignments made in conjunction with June prioritization
- SWAT TEAM – 2 FHB reviewers, one HB reviewer (started week of 3/8), one IVB2 (NOWCC) reviewer)
- PFAS—review of Clarke products. First batches of reviews completed. Additional actions now in queue—two Clarke actions to be completed 6/7—actions completed, checking with IVB 1 to verify if there are any outstanding actions.
- RAB8—kickoff meeting held 5/25—initial assignments provided to RAB 5/26. Follow up meeting held 6/9 (OPPIN/Documentum training), review of initial assignments 6/17. First two reviews have been prepared by RAB 8 and are undergoing secondary review. Additional 8 assignments given to RAB 8

Other CITAB issues/activities

- PFAS—Results of substructure search for PFAS in active ingredients
- CITAB Office hours—next session to be scheduled for week of 7/5
- Meeting w/ Bo on 6/28 to discuss strategy around tiger team starting to be assigned CSF actions.
- Additional funding for contractor—completed. Per resources discussion would further extramural funding for additional RD/CITAB work be a consideration for current contract or next contract?
- CSF Images and Documentum/ITRMD
- CITAB staff questions/concerns regarding telework and GFE (monitors, etc.)

[1] https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/acute-oral-toxicity-and-down-procedure

Dear Ms. Giles-Parker and Ms. Garvie,

Valent U.S.A. LLC has two new product registrations pending with CDPR that were submitted November 2019: S-2399 2.84 SC Fungicide, EPA Reg. No. 59639-230 (Excalia® Fungicide), and S-2399 3.2 FS Fungicide, EPA Reg. No. 59639-231 (Zeltera® Fungicide).

The data packages for these formulations have been reviewed by the US EPA and registration was granted in August 2020. As part of the data packages, a complete set of acute toxicity studies was submitted in support of the registration. The results are described in the tables below.

Following submission of these same data packages to the CDPR for review and approval, CDPR disagreed with the conclusion of the US EPA's interpretation of the acute oral toxicity study (MRID 49706201) for S-2399 2.84 SC Fungicide, 59639-230 (Excalia® Fungicide). The CDPR reviewer determined the LD_{50} was 175 mg/kg, Category II for acute oral toxicity.
The acute oral toxicity study was conducted using the Up-Down technique in conjunction with the Acute Oral Toxicity (Guideline 425) Statistical Program (Westat, version 1.0, May 2001), as recommended by the US EPA [1]. The conclusion of the study report, as reflected by the EPA's Data Evaluation Report (DER), is an LD_{50} of 550 mg/kg. Study results are captured in the table below

CDPR's interpretation of the study results were more conservative and determined the rat oral LD_{50} was 174 mg/kg, toxicity category II. The justification for this conclusion is as follows; "It is this HHA reviewer's contention that due to the paucity of the study results, a conservative interpretation is in order. **Simply the fact that 2 of the 3 animals died when dosed with 550 mg/kg would preclude establishing the LD50 value at 550 mg/kg.** In the probit analysis of dose-response data, the slope of the curve dictates the calculated LD50 value. In this instance the data are so minimal that such an assessment is not possible. **Therefore, it was concluded that the Category II hazard was appropriate for this product in the light of the submitted data**."
The discrepancy in conclusions by the US EPA (LD_{50}=550 mg/kg, Category III) and the CDPR (LD_{50}=174 mg/kg, Category II) presents a conflict and poses critical issues for Valent in terms of labeling and use patterns. The EPA approved the label for S-2399 2.84 SC Fungicide which currently complies with safety and precautionary statements consistent with Category III acute oral toxicity results. If CDPR's conclusion is finalized, Valent will have to amend the label at USEPA to reflect CDPR's recommendation. It is not practical nor feasible to have separate labels for California and the rest of the US. The alternative is to revert to testing techniques that use a large number of animals, which is unacceptable

and is in direct opposition to the EPA's recent proclamation to reduce animal testing by 30% by 2025 and completely by 2035[2]. Furthermore, the up-and-down method using the AOT425 Statistical Program is acceptable for the Series 870 Health Effects Test Guidelines for acute toxicity testing and by the Organisation for Economic Co-operation and Development member nations.

Therefore, Valent is seeking advice from the EPA to rectify the issues created by CDPR's interpretation of the acute oral toxicity study. We would like to ask several questions regarding the issue:

- • Has the EPA encountered similar examples where CDPR had different interpretations for acute toxicity studies? If so how did the Agency address these differences?

- • What are the Regulatory ramifications of having label precautionary statements consistent with toxicity category III for Federal labels while having more precautionary statements on California labels?

- • What options do we have as a company to address these discrepancies in scientific conclusions between Federal and State Agencies?

Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 6/24/2021 8:38:24 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Collazo Reyes, Yvette [CollazoReyes.Yvette@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Siciliano, CarolAnn [Siciliano.CarolAnn@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]
Subject: OCSPP News for June 24, 2021

OCSPP Daily News Round-Up

Toxics

- Chemical & Engineering News 06/22; US EPA to reexamine ethylene oxide risks
- Inside TSCA 06/23; NAS To Review New DOD Approach For Setting Workplace TCE Standard
- Inside TSCA 06/23; California Proposes Priority Listing For Tire Anti-Cracking Chemical 6PPD
- Inside TSCA 06/23; Court Delays Briefing In Asbestos Evaluation Suit Amid 'Positive' Talks

PFAS

- Associated Press 06/24; New Mexico officials seek hazardous designation for PFAS
- Bloomberg Law 06/23; Sweeping Bill Controlling PFAS Heads Towards House Floor
- Milwaukee Journal Sentinel 06/23; Standards for 'forever chemicals' in groundwater, drinking water in Wisconsin will move forward, despite pushback from industry

Pesticides

- Agri-Pulse 06/23; ERS tracks, quantifies bee pollination
- Irish Farmers Journal 06/23; Title: EU glyphosate assessment dismisses many negative claims
- USA Today 06/24; Seresto pet collars under EPA review, but the fight over their safety could take years

Blog/OpEd/Other

- Beyond Pesticides 06/24; Saving America's Pollinators Act Reintroduced, Advocates Urge Congressional Action to Stop Pollinator Decline
- Bloomberg Law 06/24; Changes Coming for PFAS Due Diligence in M&A, Real Estate Deals
- Civil Eats 06/24; Earl Blumenauer Wants to Ban Bee-Killing Pesticides. Is Congress Listening?

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US EPA to reexamine ethylene oxide risks
Cheryl Hogue, Chemical & Engineering News

https://cen.acs.org/environment/pollution/US-EPA-reexamine-ethylene-oxide/99/i24

In an action sought by both the chemical industry and environmental advocates, the US Environmental Protection Agency will reexamine its 2020 regulation of ethylene oxide.

The EPA will ask the public for more input on the potency of the carcinogenic gas, the agency told C&EN in a June 22 email. This toxicity value guides the EPA in deciding whether to continue, relax, or strengthen regulation of ethylene oxide leaks from chemical plant equipment, vents, and storage tanks to protect the health of nearby communities.

Made from natural gas or petroleum, ethylene oxide is a basic starting material for manufacturing a variety of products, such as plastics and medicines. The gas is also used to sterilize medical equipment.

In a 2020 Clean Air Act rule, the Trump EPA required manufacturers of organic chemicals to curb their ethylene oxide emissions collectively by 0.69 metric tons per year. Environmental advocates decried the rule as leaving some fenceline communities near chemical plants with increased cancer risk as high as 200 in 1 million from breathing ethylene oxide. The agency's rules generally limit increased cancer risk from exposure to pollutants to 100 in 1 million.

Meanwhile, the US chemical industry criticized the rule for relying on the EPA's 2016 assessment of ethylene oxide. The sector's main lobbying arm, the American Chemistry Council (ACC), calls that assessment flawed.

The ACC also faults the agency for failing to consider an analysis by the Texas Commission on Environmental Quality (TCEQ), which concluded last year that ethylene oxide is far less hazardous than the EPA determined. The TCEQ assessment was not peer reviewed in time for the EPA to consider it for the rule, the agency said in 2020.

Adoption of the TCEQ approach could allow for construction of new plants or expansion of existing facilities that make or use ethylene oxide, the Sierra Club has said.

A number of plants in Texas have high levels of ethylene oxide emissions—including the US facility that reported the highest releases of the chemical in 2019, Huntsman Petrochemical of Port Neches, according to the most recent data in the EPA's Toxics Release Inventory.

Huntsman Petrochemical, the ACC, the TCEQ, the Sierra Club, and other advocacy groups petitioned the EPA to reconsider the rule.

"We appreciate the EPA's willingness to consider the latest science on this issue." the ACC says in a statement

"EPA must substantially strengthen these chemical plant rules by following the science to protect public health from cancer and other illnesses," says Emma Cheuse, attorney for Earthjustice, the law firm representing the environmental groups seeking reconsideration of the rule.

NAS To Review New DOD Approach For Setting Workplace TCE Standard

Maria Hegstad, Inside TSCA

https://insideepa.com/tsca-news/nas-review-new-dod-approach-setting-workplace-tce-standard

The National Academy of Sciences (NAS) gearing up to peer-review the Defense Department's (DOD) revised approach to developing a standard for workplace exposures to trichloroethylene (TCE), marking the latest step in DOD's long-running struggle to reconcile EPA and OSHA's drastically different findings on the solvent.

NAS on June 22 set a July 16 deadline for nominations to a committee that will review DOD's revised approach to developing a TCE standard for occupational exposures -- the department's second attempt at that process, after NAS criticized its first version in a 2019 peer review in part because officials deviated from their stated review process to

exclude a controversial study linking TCE exposures to fetal heart defects.

And that process will play out as EPA is working on its own TCE rules to manage unreasonable risks, including those to workers that it identified in its 2020 Toxic Substances Control Act (TSCA) evaluation of TCE -- an evaluation that Biden officials and others have attacked as "tainted" by political interference in part due to its rejection of the same fetal-impacts study.

It is unclear how those ongoing processes will affect each other, as both EPA's risk management rule and DOD's draft occupational exposure level (OEL) would both be designed to protect workers from on-the-job TCE exposures, while the Occupational Safety and Health Administration (OSHA) has already established a workplace limit for exposures to the solvent, though at a much less stringent level than either EPA or DOD has favored.

DOD's project is partly a response to EPA's 2011 Integrated Risk Information System (IRIS) assessment of TCE, which also relied on findings of heart malformation in mice exposed to TCE in utero, as seen in the 2003 "Johnson study."

The resulting IRIS risk estimate is particularly stringent, with a daily reference dose -- the greatest amount of a chemical that EPA estimates could be consumed daily without adverse non-cancer effect -- of just 0.0005 milligrams per kilogram, or 0.5 parts per billion (ppb), for chronic exposures. That has led to widespread concern over how agencies might use the figure in risk management actions.

EPA itself is in the midst of crafting a TCE rule under TSCA, though the Trump administration in its evaluation of risks from the solvent declined to consider the Johnson study and instead based its conclusions on the less-sensitive endpoint of immune system effects, resulting in weaker risk estimates.

Michal Freedhoff, the agency's chemicals chief, has already identified the TCE evaluation as one of three Trump-era projects that she said were "compromised" by interference from political appointees, but she has yet to explain how she intends to address it, leaving the document in limbo despite TSCA's mandate to propose risk management rules within a year of finishing a chemical evaluation.

In sharp contrast to IRIS' conservative approach, OSHA has set its permissible exposure limit (PEL) of 100 parts per million (ppm) over an 8-hour workday, and 300 ppm as a five-minute maximum peak allowable in any two-hour period.

The massive difference between the IRIS and OSHA figures prompted DOD to start its own process for crafting an OEL rather than adopting one agency's approach or the other. Specifically, a DOD official said at NAS' first public meeting in 2019 that the department began work on an exposure limit after three DOD sites were found to exceed EPA-crafted criteria for vapor intrusion from cleanup sites into occupied workplaces.

DOD sampled the sites based on those findings but found the samples to be within the OSHA PEL, creating uncertainty among commanders and personnel on whether the chemical actually poses risks to servicemembers.

The first attempt at answering that question produced a proposed limit of 0.9 ppm, but met harsh critique from the NAS peer-review committee, which said the department's methods lacked transparency and were inconsistently applied, [...]

California Proposes Priority Listing For Tire Anti-Cracking Chemical 6PPD
Curt Barry, Inside TSCA
https://insideepa.com/tsca-news/california-proposes-priority-listing-tire-anti-cracking-chemical-6ppd

California's toxics department is proposing through its Safer Consumer Products (SCP) green chemistry program to list motor vehicle tires containing the anti-cracking chemical N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) as a "priority product" for future regulation, after finding the substance is killing fish in state waterways.

The department is also advancing an earlier proposal to list tires containing zinc as priority products, while evaluating for potential action several other chemicals used in tires.

"6PPD-quinone, a recently discovered reaction product of 6PPD, is acutely toxic to coho salmon, including juveniles, and kills fish a few hours after exposure," states a June 22 Department of Toxic Substances Control (DTSC) release that covers both the proposed listing and an upcoming July 28-29 workshop on 6PPD and other toxic chemicals in vehicle tires.

"The confirmed presence of 6PPD-quinone in California's waterways threatens the state's remaining coho salmon populations, which are endangered or threatened, and may jeopardize the recovery of this species," the announcement adds. "While little is known about the effects of 6PPD-quinone on other organisms, it may also be toxic to closely related species such as steelhead and chinook."

DTSC staff also released a draft product-chemical profile for the 6PPD listing proposal, and set an Aug. 6 deadline for public comment on the plan.

Under the SCP program, a priority product listing requires companies to conduct chemical alternatives analyses to determine whether there are safer substitutes. Based on the results of the analyses, DTSC can eventually restrict or ban the original chemicals at issue in the products.

The proposed listing comes after DTSC added a category for "motor vehicle tires" to its draft 2021-23 SCP workplan earlier this year. At the time, DTSC officials said the change was needed because of concerns about releases of zinc and 6PPD from tires into waterways.

DTSC has already opened a public comment period for its proposal to list tires containing zinc as a priority product, but is extending the deadline for submitting comments to Aug. 6, according to the announcement.

Additional Tire Chemicals

In addition, "DTSC has conducted preliminary screening research on several other tire-derived chemicals that may be of concern to the aquatic environment and has identified data gaps related to their potential adverse impacts," the notice reads. "We have released a draft document highlighting our initial findings and questions and have opened a public comment period for this document a well." That comment period also ends Aug. 6.

The other chemicals DTSC is flagging include: benzothiazoles, 2-mercaptobenzothiazole, chlorinated paraffins, 1,3-diphenylguanidine, (methoxymethyl) melamines, octylphenol ethoxylates, and polycyclic aromatic hydrocarbons.

DTSC's July 28-29 workshop aims to "solicit information on all three topics," the notice says.

The state's effort is expected to draw some pushback from the tire manufacturing industry, among others. In January, after DTSC announced its intent to essentially ban zinc from tires through the SCP program, the U.S. Tire Manufacturers Association raised strong objections, arguing in part that tires represent only a fraction of zinc contamination of the environment.

The group also argued that zinc oxide "plays a critical and irreplaceable role in manufacturing tires," including serving as an "activator" in the vulcanization process that turnssoft, stickyrubber intostablecomponents thatallow atire to carry the weight of a vehicleand to stop safely.

Court Delays Briefing In Asbestos Evaluation Suit Amid 'Positive' Talks
David LaRoss, Inside TSCA
https://insideepa.com/tsca-news/court-delays-briefing-asbestos-evaluation-suit-amid-positive-talks

A federal appellate court has agreed to a joint request from EPA and environmentalists to delay briefing in litigation challenging the agency's TSCA evaluation of chrysotile asbestos as the parties engage in "positive settlement discussions," a change from other pending cases where EPA is at odds with challengers on how it will redo Trump-era evaluations.

Both sides in Asbestos Disease Awareness Organization (ADAO), et al. v. EPA filed a June 22 joint motion with the U.S. Court of Appeals for the 9th Circuit saying those negotiations warrant a delay of briefing deadlines in the case and could resolve their claims altogether.

"Petitioners and respondents have been engaged in positive settlement discussions and believe that a delay in briefing will enable the parties to complete these discussions as efficiently as possible. A 90-day extension of the current July 1 deadline for filing petitioners' opening brief will conserve the resources of the parties and the Court and enhance the prospects for a successful and timely resolution of this case," the motion says.

The 9th Circuit granted that request without comment in a clerk's order issued just hours later, extending the start of merits briefing to Oct. 27.

Those talks mark a potential milestone for EPA's efforts to rework some or all of the 10 Trump-era Toxic Substances Control Act (TSCA) evaluations of existing chemicals.

The agency has previously sought permission from the 9th Circuit to remand three other evaluations, of methylene chloride, 1,4-dioxane and the "cluster" of flame retardants known as HBCD, but each of those requests has drawn strident opposition from challengers.

In particular, the groups suing over methylene chloride and HBCD have argued that EPA's planned voluntary remands would not go far enough in addressing their arguments that the evaluations are legally flawed, avoid precedent-setting decisions on how stringent TSCA requires existing-chemical evaluations to be, and fail to set an enforceable timeline for finishing work on any revisions the agency decides are needed.

If the agency is instead able to negotiate a consensus path forward for asbestos with ADAO and the other groups suing over that evaluation, it could set a marker for those cases and help avert potential disputes over the other six evaluations.

But negotiations in ADAO could also be shaped by the fact that industry is involved in the case, as the Chlorine Institute -- whose members represent the largest remaining domestic users of asbestos -- successfully intervened in defense of the Trump administration's evaluation, giving it a potential voice in settlement talks and any decision on whether to remand the document back to EPA.

The June 22 filing implies that the institute is not yet involved in the ongoing talks, as it describes negotiations as being between the petitioners and "respondent," which generally refers to EPA. Further, the last line of the motion says, "Counsel for petitioners contacted counsel for intervenor The Chlorine Institute, who indicated that intervenor does not oppose this motion."

But it is generally unclear how industry parties will respond to EPA's plans for the Trump administration's evaluations, whether they come through settlement talks or remand requests. In the methylene chloride suit, which is the most advanced of any challenge to a TSCA evaluation, none of the three intervenors have filed any new briefs since EPA first asked the 9th Circuit for a remand.

Asbestos Evaluation

Although ADAO and the other petitioners have not yet spelled out their legal arguments against the 2020 asbestos evaluation, they are expected to target its findings that 16 of the 32 uses of chrysotile asbestos that EPA studied do not

pose an unreasonable risk to workers, consumers, bystanders or the environment -- a list that includes import and distribution of the fibers by many chlorine manufacturers.

Under TSCA, once EPA identifies an unreasonable risk from use of an [...]

New Mexico officials seek hazardous designation for PFAS
Susan Montoya Bryan, Associated Press
https://apnews.com/article/nm-state-wire-new-mexico-health-business-environment-and-nature-db3f467e5dd7fa2c4825e91501a13d47

ALBUQUERQUE, N.M. (AP) — New Mexico Gov. Michelle Lujan Grisham is among those calling on the U.S. government to list so-called "forever chemicals" as hazardous waste under federal law, saying the move would provide a regulatory path for states across the nation that are dealing with contamination at military bases and other locations.

The governor filed her brief petition with the U.S. Environmental Protection Agency on Wednesday.

It follows recent congressional testimony given by New Mexico Environment Secretary James Kenney and others in which they made the same request to list as hazardous perfluoroalkyl and polyfluoroalkyl substances, which are known collectively as PFAS. The class of highly toxic chemicals is used in products like nonstick cookware, carpets, firefighting foam and fast-food wrappers.

"In the absence of a federal framework, states continue to create a patchwork of regulatory standards for PFAS across the U.S. to address these hazardous chemicals," the governor said in a statement. "This leads to inequity in public health and environmental protections."

She said having a federal framework to deal with the chemicals would provide equal protection for all communities.

Aside from the push for a hazardous waste designation, public health advocates and others have said that setting a national drinking water standard for the chemicals would be an important step in addressing the contamination.

New Mexico sued the federal government in 2019 over PFAS contamination at two U.S. Air Force bases in the state.

Air Force contractors and state environment officials both have been working to determine the extent of toxic plumes left behind by past firefighting activities at Cannon and Holloman air bases.

If the chemicals were to be classified as hazardous, New Mexico officials said that would allow state officials rather than the U.S. Department of Defense to manage cleanup of PFAS under existing state programs that are authorized by the Environmental Protection Agency.

State officials said the EPA is required to act on the governor's petition within 90 days.

Two citizen petitions also are pending.

There have been numerous cases around the country in which the chemicals have contaminated drinking water sources. When ingested over time, PFAS can lead to increased risk of kidney and testicular cancers, low infant birth weights and other health problems.

Sweeping Bill Controlling PFAS Heads Towards House Floor
Pat Rizzuto, Bloomberg Law

https://news.bloomberglaw.com/environment-and-energy/sweeping-bill-controlling-pfas-heads-towards-house-floor?context=search&index=2

A House committee approved with a 33 to 20 vote Wednesday legislation that would use multiple laws to restrict some "forever chemicals" and obtain further information to decide on others.

The House Energy and Commerce Committee approved the PFAS Action Act of 2021 (H.R. 2467) with the support of three Republicans, all of whom are from states where PFAS-contaminated drinking water is a hot-button topic.

An anticipated floor vote on the bill is not scheduled, according to an aide for House Majority Leader Steny Hoyer (D-Md.). But the bill's co-sponsor Rep. Debbie Dingell (D-Mich.) has said she anticipates a July vote.

Per- and polyfluoroalkyl substances, or PFAS, often are called "forever chemicals," because neither sunlight, weather, nor microbes can break some of them down. Some of these persistent chemicals are linked to health problems including high cholesterol, reduced vaccine effectiveness, and cancer. Yet, PFAS' resistance to heat, oil, water, chemical corrosion, and other properties make them particularly useful in a wide range of industries.

Superfund Liability Remains

The committee rejected at least eight amendments Republicans offered that would, for example, have shielded from superfund liability companies that release PFAS used to make medicines, medical devices, lithium batteries, semiconductors, solar panels, pipeline safety equipment, and equipment used to protect "persons sworn to defend the United States."

Rep. Paul D. Tonko (D-N.Y.) and many other Democratic lawmakers said companies making such equipment already have to comply with hazardous waste and other environmental laws. If their carelessness leads to PFAS being released into the environment, "they should absolutely have to clean it up," Tonko said.

Rep. Cathy McMorris Rodgers (R-Wash.), the committee's top Republican, said the bill imposes so many requirements on the Environmental Protection Agency that "EPA will become the Environmental PFAS Agency."

But Committee Chairman Frank Pallone (D-N.J.) said the House approved the very same bill in the last Congress. One year later, he said, "we still don't have a drinking water standard, a test rule, or a hazardous substance designation for even a single PFAS chemical."

An array of industrial sectors oppose the bill including the National Association of Manufacturers, National Cattlemen's Beef Association, and Agricultural Retailers Association, according to a letter provided to the committee.

Standards for 'forever chemicals' in groundwater, drinking water in Wisconsin will move forward, despite pushback from industry
Laura Schulte, Milwaukee Journal Sentinel
https://www.jsonline.com/story/news/local/wisconsin/2021/06/23/pfas-standards-wisconsin-groundwater-drinking-water-moving-ahead/7748518002/

MADISON – The process for setting standards for "forever chemicals" and some pesticides in drinking and groundwater got the green light Wednesday, despite pushback from industry groups.

The standards take aim at two areas where PFAS have been found throughout Wisconsin: groundwater and drinking water. But the standards face an all but certain rejection by a Republican-controlled Legislature that has blocked such standards before, when proposed as legislation and by Gov. Tony Evers as a part of his budget.

Steve Elmore, the drinking water and groundwater bureau director for the Department of Natural Resources, said the groundwater standards aim to add six pesticides, 12 individual PFAS chemicals and four combined PFAS to the list of contaminants that are regulated by the DNR.

The standards will apply to regulated entities — for example industrial businesses or a landfills. If PFAS are found in monitoring wells or during testing near the business or landfill, the DNR could require action be taken by the entity to remedy the contamination, Elmore said.

The groundwater standards won't apply to any public water systems or private wells, but will focus on the regulated entity that is responsible for the contamination and can be held responsible for clean up.

The other set of standards will focus on levels of 16 different individual PFAS and four combined PFAS, following on the heels of recommendations made by the Department of Health Services late last year.

The standards would require municipal drinking water systems and businesses with their own wells to remain below the standards for each chemical, and would also establish monitoring frequency, public notification and how laboratories analyze water samples, Elmore said.

Together, the standards would make up an important set of rules for the state, protecting the water that people drink.

"These are important actions to protect public health relating to drinking water," Elmore said at a meeting Wednesday of the Natural Resources Board. "This is going to be a long effort, but I'm confident this is an important process."

Scope statements for the standards will now move forward with economic impact statements, which take into account the concerns of municipalities, as well as industry leaders. Only one member of the board — William Bruins — opposed the statements moving forward, because of pushback from groups such as Wisconsin Manufacturers & Commerce and the Wisconsin League of Municipalities.

The statements will eventually go before the governor and then the Legislature for approval, but will go through up to two years of work by DNR staff before it reaches that step.

The groups submitted comments showing concern that the DNR doesn't have authority to set standards and that standards should only be set after research is submitted from the regulated communities. The board's lawyer disputed the claim that the agency doesn't have authority, and assured that the process moving forward will take into account research submitted by regulated communities.

After the statements passed, DNR Secretary Preston Cole emphasized why it's so important the state move forward with regulations, even when the Environmental Protection Agency hasn't regulated PFAS at a national level.

"There is a reason these are in our drinking water," he said. "It kills us. It gives us cancer. And we will take the information from public health officials and run the gauntlet with them."

In early 2020, the board signed off on creating standards for two of the most well-known and researched compounds in the PFAS family — PFOA and PFOS. Currently those rules are making their way through public hearings on the potential economic impact, which is the next step the other standards will take.

PFAS contamination found throughout Wisconsin

PFAS have been a hot topic in Wisconsin, with contaminations affecting communities across the state, forcing people to use bottled water for drinking, [...]

ERS tracks, quantifies bee pollination
Annie Deckey, Agri-Pulse
https://www.agri-pulse.com/articles/16080-demand-for-pollination-requires-honey-bees-to-travel-extensively

Honey bee pollination services are worth between $250 million and $320 million annually, Economic Research Service said in a new report, which also valued the honey production market at about $330 million per year. [...]

Title: EU glyphosate assessment dismisses many negative claims
Andy Doyle, Irish Farmers Journal
https://www.farmersjournal.ie/eu-glyphosate-assessment-dismisses-many-negative-claims-630492

An internal EU draft report by four member state competent authorities on the safety of glyphosate has dismissed most of the negative claims made against the active. [...]

Seresto pet collars under EPA review, but the fight over their safety could take years
Johnathan Hettinger, USA Today
https://www.usatoday.com/in-depth/news/investigations/2021/06/24/seresto-pet-collars-under-epa-review-dont-expect-quick-decision/7773741002/

The U.S. Environmental Protection Agency launched a review into the best-selling Seresto flea and tick collar this spring after media reports about injuries and deaths linked to the product spurred a congressional inquiry, class-action lawsuits and a formal complaint.

The collars, which release small amounts of pesticide onto the fur of cats and dogs for months at a time, were the subject of 75,000 EPA incident reports, including at least 1,698 pet deaths, since their introduction to the market nine years ago.

But any determination by the EPA about the product's safety is likely to take years – up to a decade or more – based on the agency's history of foot dragging over complaints about other potentially dangerous pet products.

Since 2006, the EPA has received three public petitions asking it to ban pesticides in pet products over concerns about human health risks. One of them, filed earlier this year, involves Seresto and is ongoing. The other two took an average of 10 years for the EPA to resolve, even as some of the products it ultimately deemed dangerous remained on the shelves.

One of those other cases in particular bears a striking similarity to Seresto.

More than a decade ago, nonprofit Natural Resources Defense Council petitioned the EPA to ban the use of a pesticide called tetrachlorvinphos in pet products like flea and tick collars. The organization cited studies showing that the chemical, a possible carcinogen, had been linked to brain and nerve damage in children.

What followed was 12 years of delayed action, lawsuits, bureaucratic red tape and a new EPA assessment of the pesticide that confirmed some of the nonprofit's concerns about its use in pet collars. Despite that, tetrachlorvinphos, also called TCVP, is still used in some flea and tick collars today.

The long battle over TCVP shows how hard it can be to remove a chemical from pet products, even when governmental scientists, experts and even federal appeals judges believe it's harmful to children.

"In sum, the EPA's years-long delay on this critical matter of public health has been nothing short of egregious," wrote

Ronald M. Gould, a Ninth Circuit Court of Appeals judge in an April 2020 decision mandating a response by the EPA to the Natural Resources Defense Council.

"For more than a decade," Gould wrote, "the EPA has frustrated NRDC's ability to seek judicial review by withholding final agency action, all the while endangering the wellbeing of millions of children and ignoring its 'core mission' of 'protecting human health and the environment.'"

In the end, the EPA canceled some uses of TCVP in pet products but allowed others to continue to be sold.

EPA spokesman Ken Labbe said in an email the agency has found pet products containing TCVP, including the popular Hartz UltraGuard collar, to meet registration requirements under federal pesticide laws. In other words, he said, the risk level is acceptable.

Hartz defended the safety of its products. In an emailed statement, the company said its flea and tick collars present no risk to humans or pets when used as directed.

Also defending its products is Elanco, which sells the Seresto flea and tick collars. The nonprofit Center for Biological Diversity petitioned the EPA in April to ban Seresto collars because of the risks associated with its two pesticides – imidacloprid and flumethrin.

Seresto collars were the subject of more than 75,000 reported incidents of pet harm and nearly 1,000 incidents of human harm in the past nine years. Elanco said in previous statements that a vast majority of reported incidents involve minor skin irritations at the site of the collar. The company also said that it investigated each report of pet death and found no link between the collars and the death.

Elanco said its collars are safe and that the overall incident rate is low at 0.3%, meaning one in 300 pets has a reported issue. There is no medical or scientific basis to discontinue their use, the company [...]

Saving America's Pollinators Act Reintroduced, Advocates Urge Congressional Action to Stop Pollinator Decline
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/06/saving-americas-pollinators-act-reintroduced-advocates-urge-congressional-action-to-stop-pollinator-decline/

(Beyond Pesticides, June 24, 2021) This Pollinator Week 2021, U.S. Representatives Earl Blumenauer (D-OR) and Jim McGovern (D-MA) are reintroducing the Saving America's Pollinators Act (SAPA) in an effort to reverse ongoing declines in wild and managed pollinators. SAPA uses the latest scientific research and perspectives to ensure that pollinators are protected. The bill suspends the use of neonicotinoids and other pesticides harmful to bees and other pollinators until an independent board of experts determine that they are safe to use, based on strong scientific assessment.

"Without our world's pollinators, the world would be a very different place. These bees, butterflies, hummingbirds, and other creatures are essential elements of our food system. Losing them means we risk losing the very food we put on our table," said Rep. Blumenauer. "We must use every tool at our disposal to provide pollinators with much-needed relief from bee-toxic pesticides and monitor their populations to ensure their health and survival."

Neonicotinoids are systemic pesticides; once applied to a seed or sprayed on a plant they make their way into the pollen, nectar and dew droplets that plants produce and pollinators feed upon. Exposure impairs pollinator navigation, foraging, and learning behavior, and also suppresses their immune system, making them more susceptible to disease and pathogens like the varroa mite.

The last decade saw American beekeepers lose over 30% of their hives annually. And wild pollinators are experiencing declines that threaten their extinction. The iconic American Bumblebee has lost 89% of its population over the last 20

years. Populations of eastern monarchs have declined by 80% since the 1990s. This past year, citizens scientists participating in the western monarch count found a scant 2,000 butterflies. This is down from roughly 1.2 million monarchs in the 1990s, 300,000 in 2016, and 30,000 in 2019. All of these impacts have been associated with the use of toxic pesticides in peer-reviewed scientific studies.

The harmful effects of neonicotinoids and other pollinator-toxic pesticides are not siloed in the environment, however. Declines in pollinator populations work their way up and down the food chain, from the plants that depend upon pollination, to the people that rely on healthy, nutrient dense food pollination provides. Pollination services are valued at $125 billion globally, and pollinators are responsible for one in three bites of food, including nuts, fruits, and vegetables. Past research has found that the loss of pollination services would have a devastating impact on global nutritional health, with women and children most affected. Already in the United States, many communities lack access to healthy fruits and vegetables –allowing the pollinator crisis to continue unabated is likely to exacerbate these problems by increasing prices on important staples.

Neonicotinoids also harm people directly. In public parks and playing fields, these are often the chemicals of choice to manage grub problems on turf, despite the availability of alternative methods. The latest research links neonicotinoids to nervous system toxicity, reproductive damage, and birth defects. In particular, reviews have found links to birth defects of the heart and brain, and the development of finger tremors. Neonicotinoids appear to disproportionately affect the male reproductive system, and animal studies have found cause for concern – from decreased testosterone levels to abnormal and low sperm count (see NRDC for more on the harms of neonics to human health). As reported by the Black Institute, pesticides like glyphosate are disproportionately sprayed in black and brown communities, where public parks are often the only green space available for family picnics and outings.

The Saving America's Pollinators Act is not limited in its ability to save America's pollinators. SAPA would help people, who depend on pollination [...]

Changes Coming for PFAS Due Diligence in M&A, Real Estate Deals
John P. Gardella, Bloomberg Law
https://news.bloomberglaw.com/environment-and-energy/changes-coming-for-pfas-due-diligence-in-m-a-real-estate-deals?context=search&index=1

For any company buying property or undertaking a merger and acquisition where a polluted site is suspected as part of the asset package, the "gold standard" for environmental due diligence on the property is the ASTM International Phase I environmental site assessment. Insurance companies also rely on the Phase I assessment results when determining coverage options for current or potential insureds as part of the business transaction.

Yet, even with all the attention given to PFAS by the media, legislatures, and courts, PFAS is absent from current Phase I assessments. This means that buyers and sellers are exposed to significant risks for future PFAS issues stemming from real estate transactions, which in turn has insurers and investors concerned.

By December 2021, ASTM will amend its Phase I assessment language to include reference to PFAS. While this change likely will increase the level of PFAS testing in real estate and M&A deals, parties involved in these transactions must understand that the changes will not suddenly absolve them of liability risks. Insurers, too, must understand that despite the ASTM changes to come, PFAS loss risks stemming from real estate or merger deals will continue to abound.

The Current Landscape
Purchasers and sellers utilize Phase I assessments because it may allow them to escape liability under CERCLA (also known as the Superfund law), if it is subsequently determined that there is an environmental pollution issue with the subject property. This reduction of risk is often enough of an assurance for parties to proceed with a deal.

The purpose of a Phase I, however, is to identify "recognized environmental conditions", which ASTM defines as

substances classified as "hazardous substances" under CERCLA. None of the 7,000+ PFAS are currently deemed "hazardous substances" under CERCLA. PFAS are therefore not included in Phase I assessments, exposing buyers and sellers to potentially enormous liabilities in the future, especially given the prediction that federal drinking water standards and CERCLA designations for PFAS are coming very soon.

There are workarounds to the Phase I gaps with respect to PFAS, but they come at a price to buyer or seller as an added service during a Phase I. Many companies choose not to spend additional money on this testing, since it is not currently required. Moreover, with over 7,000 PFAS types theoretically for which to test, many companies see it as an impossible task to decide what the scope of PFAS testing should be. From information gathered in discussions with environmental consultants, it is estimated that in some markets less than 10% of Phase I participants currently choose to have PFAS testing done.

2021 ASTM Changes

ASTM's Phase I task groups are composed of over 200 due diligence consultants, lenders, attorneys, and other professionals that are currently working on revisions to Phase I standards. The task groups have worked for close to two years now to include PFAS in the Phase I standards and are actively working on drafting language to incorporate PFAS into the revised language. ASTM intends to publish its final revised standards by December 2021.

However, while ASTM is virtually certain to include references to PFAS in its revised standards, it is important to understand that the references will likely come in the form of a recognition that while PFAS are a "non-scope issue," they do not rise to the level of recognized environmental contaminants.

Essentially, what this means is that ASTM recognizes that PFAS do not fall within the definition of required chemicals to test for, given the lack of CERCLA designation of PFAS. However, PFAS are of significant enough concern that anyone undertaking a Phase I assessment should consider taking proactive steps to test for the substances.

While this will be a nod by the ASTM to the fact that PFAS should be of particular concern for buyers and sellers alike, it stops short of requiring PFAS testing in [...]

Earl Blumenauer Wants to Ban Bee-Killing Pesticides. Is Congress Listening?
Lisa Held, Civil Eats
https://civileats.com/2021/06/24/earl-blumenauer-wants-to-ban-bee-killing-pesticides-will-congress-finally-act/

Representative Earl Blumenauer (D-Oregon) has long pushed for policies that would make U.S. agriculture greener, including linking crop insurance subsidies to conservation practices and making agriculture a central component of the Green New Deal.

For over a decade, he's been doggedly sounding the alarm on threats to bees and other pollinators, and proposing legislation to address those threats. On Wednesday, he introduced the Saving America's Pollinators Act for the third time (with some changes made along the way), with Jim McGovern (D-Massachusetts) as a co-sponsor and strong support from conservation groups including the Natural Resources Defense Council (NRDC), Friends of the Earth, and the Center for Biological Diversity.

In addition to establishing a Pollinator Protection Board explicitly free from pesticide industry representation, the bill would make sweeping changes to the commodity agriculture status quo by immediately canceling the registration of neonicotinoids until they undergo further review. These systemic insecticides, called neonics for short, are used to coat the vast majority of corn and soy seeds planted in the U.S. and farmers spray them on many fruit and vegetable crops.

Although Blumenauer admits the bill has little chance of advancing or becoming law, a lot has changed since he first shone a light on the issue in 2007. Neonics' devastating impacts on bees and other pollinators are now well-established,

while more recent research is showing the chemicals can leach into soil and water and negatively affect aquatic animals, birds, mammals, and entire ecosystems. Policymakers in the European Union, Canada, and some U.S. states have also instituted various bans and restrictions on their use.

Still, the U.S. has allowed most farmers in most places to continue using neonics, and while evidence shows their use as treatments on commodity corn seeds may not ultimately benefit crops or farmers, it hasn't slowed down their use. And in places like Florida and California, citrus growers rely on them to battle pests.

The day before he introduced the bill, Blumenauer spoke with Civil Eats to discuss why he's convinced banning these pesticides is critical and what the path forward looks like.

You've introduced this bill a few times. What makes you want to keep bringing it back session after session?

Pollinators play a critical role in the food supply. Three quarters of the foods that make life interesting and healthy involve pollination. On a global scale, we're talking about upwards of $200 billion dollars a year, and we continue to see pollinator populations struggling. We lost an estimated one-third of honeybee colonies between 2016 and 2018. National honey crops have remained at record low levels, and the scientific evidence that we are creating this with nicotine-derived pesticides, neonicotinoids, [is increasing]. To be clear, it also exposes humans, especially farmworkers [to health risks].

Other parts of the world are moving: The E.U. has permanently banned the outdoor usage of several neonicotinoids, and we've got some [laws] in Oregon, in Portland and Eugene, and Maryland that have restricted the use. [California may also soon restrict use.] But the federal government has not. And in fact, Trump's EPA allowed bee-killing pesticides back on the market—and announced it was suspending data collection for its annual honeybee survey, which gives us the information to track the honeybee population.

So, as public awareness grows, the problem continues to be vexing, and it's getting worse and we're falling behind the rest of the world. We're trying to get the federal government back in the game. We're establishing a Pollinator Protection Board, which I think will be extraordinarily useful for monitoring. [The bill] is just a way for us to refocus on how pollinators and the food system are in crisis.

The proposed requirement that the Pollinator Protection Board not include pesticide industry [...]

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For more news, visit:

- Inside EPA: https://insideepa.com/
- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov. Feedback and interesting articles are welcomed. Thanks and enjoy!

And while you're reading.... Remember to shoot your coworkers a shooting star!

Appointment

From: Dawson, Jeffrey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7281288675C408D9667266072F0AE21-JEFFREY DAWSON]
Sent: 5/18/2021 7:13:17 PM
To: Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Fisher, Bethany [fisher.bethany@epa.gov]

Subject: PFAS/TSCA Presentation Clarifications
Attachments: JDawson_Chemwatch_PFAS_051621.pptx
Location: Microsoft Teams Meeting

Start: 5/19/2021 2:30:00 PM
End: 5/19/2021 3:00:00 PM
Show Time As: Busy

Required Attendees: Fisher, Bethany

Bethany

Can I talk with you about some content I am pulling together for a PFAS presentation? Want to make sure I have the proper level of information in the talk. I attached what I have so far. Rick made a couple of suggestions for additions

- Section 8 rule
- TRI listing

Thanks

Jeff

Microsoft Teams meeting

Join on your computer or mobile app
Click here to join the meeting

Or call in (audio only)

Ex. 6 Personal Privacy (PP)

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EPA Regulated Products and PFAS Including Pesticides

Presented to:

Chem Watch

PFAS Updates 2021 Conference

June 23, 2021

Overview

- Agency priorities
- Activities related to chemical regulation
- Complex scientific issues
- Current activities

Agency Priorities

- Memo issued in April 2021 by EPA Administrator Regan
  https://www.epa.gov/sites/production/files/2021-04/documents/per-and_polyfluoroalkyl_substances.memo_.signed.pdf
- Highlights
  - National primary drinking water regulation
  - Wastewater treatment for 29 PFAS
  - EPA Council on PFAS (ECP)
  - Build on 2019 EPA PFAS Action Plan
- General Info https://www.epa.gov/pfas

EPA Council on PFAS - Focus

- Develop multi-year strategy (2021-2025)
  - Initial recommendations within 100 days
- Coordination on regional and cross media issues to better assist state, local and tribal communities on PFAS issues
- Coordinate and maximize available funding for clean up activities
- Enhance engagement with partners to ensure consistent communications

Activities Related to Chemical Regulation

- EPA addresses chemicals issues in its Office of Chemical Safety and Pollution Prevention (OCSPP)
  - Key statues –
    - TSCA – Toxic Substances Control Act
    - FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act
- Notable Activities
  - Pesticide container issues

    https://www.epa.gov/pesticides/pfas-packaging
  - Industrial chemical container issues
    - Various efforts – trade associations, P2 programs
  - Section 21 Petition – Cape Fear River

    https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/support-documents-pfas-testing-section-21-petition

Pesticide Container Issue

- General information is publicly available

https://www.epa.gov/pesticides/pfas-packaging

- Pesticide program laboratory developed analytical methods and is conducting testing
  - 8 PFAS identified so far on website
- NGO Citations

https://www.peer.org/?s=pfas
https://www.eenews.net/assets/2021/03/26/document_gw_01.pdf

- Evaluating for industrial chemicals as well

Section 21 Petition

- Multiple organizations submitted petition in October 2020 focused on levels in the Cape Fear river in North Carolina

https://www.epa.gov/sites/production/files/2020-10/documents/chemours_pfas_testing_petition_final.pdf

- Identified 54 PFAS chemicals
  - Asked EPA to require testing
- EPA denied petition because the facts necessary to determine for each of the 54 PFAS were insufficient to justify testing
- Follow up activities ongoing

Complex Scientific Issue

- Definition of PFAS is broad/varied
  - There are multiple organizations/lists
  - Impacts the universe of chemicals for consideration
- Level of supporting data ranges from minimal to more heavily studied
- Exposure is related to a large number of conditions of use/scenarios
- Varied hazard profiles are anticipated

Categories Add To Complexity

Current Activities

- OCSPP is coordinating with the EPA and external organizations as appropriate
- Laboratory efforts on container issues
- Involved in scoping and data gathering activities
  - Identify chemicals of interest across activities
  - Group by chemical category
  - Identify available data for each
- Testing strategy development
- EPA Council on PFAS

Contact Info:

Jeff Dawson
Science Advisor EPA/OCSPP
Dawson.jeff@epa.gov
703-305-7329

Message

From: Dawson, Jeffrey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7281288675C408D9667266072F0AE21-JEFFREY DAWSON]
Sent: 5/4/2021 6:15:12 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: RE: OCSPP/OECA PFAS Check-In - 3/30/2021
Attachments: PFAS PMN Exemptions Petition 04-27-2021.pdf

Jeffrey L Dawson
Senior Science Advisor
Immediate Office
U.S. EPA, Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave NW (7101M)
Washington, DC. 20004
703-305-7329
Email: dawson.jeff@epa.gov
Deliveries: 1201 Constitution Ave NW, Washington, DC 20004

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, May 04, 2021 2:14 PM
To: Dawson, Jeffrey <Dawson.Jeff@epa.gov>
Subject: FW: OCSPP/OECA PFAS Check-In - 3/30/2021

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: Nesci, Kimberly
Sent: Tuesday, March 30, 2021 4:49 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Miles, James <miles.james@epa.gov>; Odusote, Gloria <odusote.gloria@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>;

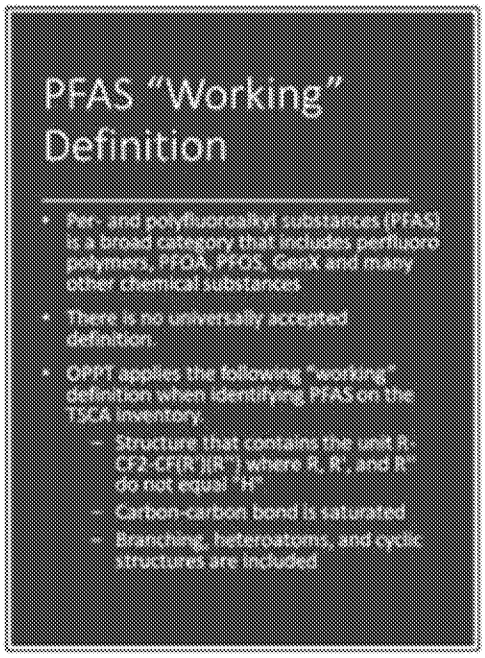
Wolf, Joel <Wolf.Joel@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Huskey, Angela <Huskey.Angela@epa.gov>; Williamson, Tracy <Williamson.Tracy@epa.gov>
Subject: RE: OCSPP/OECA PFAS Check-In - 3/30/2021

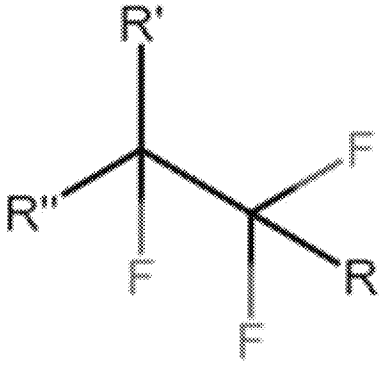
And, info on PFAS definition. Thanks, Shamus!

From: Dunton, Cheryl <Dunton.Cheryl@epa.gov>
Sent: Tuesday, March 30, 2021 12:32 PM
To: Conger, Nick <Conger.Nick@epa.gov>
Cc: Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>
Subject: Follow-up from Pat R. interview last week: Definition of PFAS

Hi Nick – as a follow-up to the interview we did with Pat R. on PFAS and containers last week, we told Pat we'd get her our working definition of PFAS. Here's our working definition. Let me know if you need anything else. Thanks.

RESPONSE: There is currently no universally accepted definition for PFAS, but there is an ongoing international effort via OECD and WHO to create one. EPA's Office of Pollution Prevention and Toxics applies the following "working definition" when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).





From: Nesci, Kimberly
Sent: Tuesday, March 30, 2021 4:46 PM

To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Lara, Rhina <Lara.Rhina@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; Charlton, Tom <Charlton.Tom@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Garvey, Mark <Garvey.Mark@epa.gov>; Miles, James <miles.james@epa.gov>; Odusote, Gloria <odusote.gloria@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Butler, Tristan <Butler.Tristan@epa.gov>; Schmit, Ryan <schmit.ryan@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Wolf, Joel <Wolf.Joel@epa.gov>; Kaczmarek, Chris <Kaczmarek.Chris@epa.gov>; Cyran, Carissa <Cyran.Carissa@epa.gov>; Leifer, Kerry <Leifer.Kerry@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Huskey, Angela <Huskey.Angela@epa.gov>; Tracy Williamson (Williamson.Tracy@epa.gov) <Williamson.Tracy@epa.gov>
Subject: OCSPP/OECA PFAS Check-In - 3/30/2021

Notes from this evening's call – thanks, all!

Link to meeting notes: OCSPP/OECA PFAS Check-In - 3/30/2021 (Web view)

OCSPP/OECA PFAS Check-In - 3/30/2021

Tuesday, March 30, 2021
3:19 PM

Meeting Date: 3/30/2021 4:00 PM
Location: Microsoft Teams Meeting
Link to Outlook Item: *click here*
Invitation Message

For 3/30/2021 meeting:

- Updates on lab testing (OPP)
    - ACB
        - Instrument fixed last week; running method validation for oil product; checking results - look really good. Consistent. Putting the data together; should have method finalized. Draft for review: QA - another couple of weeks for QA. Some modifications from the original method. Yan re-running one of the anvil samples with the new method - 2-3 weeks because of the change.
        - Leaching test - started a leaching test this week. Will collect samples every week and then every month for 3-4 month time period. Using water & methanol - worst case.
        - Still exploring methods for different types of pesticide matrices to test products Mass shared - no good method yet, but once we have something we'll proceed with the split samples rec'd from Region 1 (Mass).
    - ACB Reviewing data from Clarke submitted to RD on the new container. Not fluorinated. Rinsate testing.
        - ACB testing the same container that Clarke is proposing to change to; results consistent.
    - Our thoughts on PEER data - Permanone 30-30
        - Some questions - presence of GEnX compound
        - Article mentioned that product is in a metal container that has PFAS, this is suspect?
        - Rec'd actual data submitted and referenced in the article

            - Lots of questions on the data
            - PFOA reported at 3500 ppt (3x higher than reporting limit) - could be background interference
            - Other reported amounts are half of the reporting limit 1600 ppt/600 found.
            - Information needed on sample preparation
            - QC samples submitted - number look good, but it's based on water, whereas the sample is oily matrix.
        - Plan – schedule call with Kyla
            - KN to reach out to Kyla to schedule call to discuss the data
- Updates from OPP (RD), if any
    - RD scheduling call with Bayer on Permanone 3030
    - Kerry - Signed ACB review that looked at the method; rolling it into the CITAB review that, ultimately will likely allow Clarke to change to new containers.
- Updates from OPPT, if any
    - Ryan Schmidt
    - Folks working on an analysis of any TSCA rules apply to this situation. Update by the next meeting
    -
- Updates on OECA
        - TSCA
            - Subpoena
            - Call between the chemists - OECA is waiting to see if there even is going to be a violation here. Likely not a violation (new chemicals); waiting for existing chemicals to get back to us
            - Determining whether there is role for OECA.
            - If it becomes a situation where there is a possibility of an OECA violation.
            - Joel Wolfe - OPPT DD
        - FIFRA
            - Nothing new - had a call with Clarke last week
            - Committed to drafting a management proposal for consideration (FIFRA SSURO or RCRA). Have hired a waste management company to help them. Haven't discussed many disposal method details. Focus on consolidation options (HQ - Wisconsin) - point of collection
            - Clarke IDing the universe of materials that will require management. - Drums provided for storage (not FIFRA labels; general hazard labeling).
            - Proposal - they're expecting something this week.

- Communication Efforts (OPS)
        - Bloomberg Interview – follow-up on definition of PFAS (kn)
            - Questions around inerts finder (indicated a clean up effort)
            - Questions around definition of PFAS
            - OPPT side on the definition. - Shamus to send what Cheryl provided on this; KN to add to these notes.
        - Sandra - more interest from States in Region 8
            - OPP attendance at the monthly call - method to provide updates. Next call is mid-April. April 14th
        - Check in next week - did FDA get what they needed?

- Any other updates/requests

Please review and address comments in the new link. It includes both the status of the OPP lab testing and the status of other collaborations/discussions.
PFAS in Pesticide Containers - Status - 02 18 2021 - with Comments for Team.docx

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Message

From: Dawson, Jeffrey [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7281288675C408D9667266072F0AE21-JEFFREY DAWSON]
Sent: 6/3/2021 3:58:04 PM
To: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Wendy's, States ditch food wrappers with "forever chemicals"

Thx Ed

Jeffrey L Dawson
Senior Science Advisor
Immediate Office
U.S. EPA, Office of Chemical Safety and Pollution Prevention
1200 Pennsylvania Ave NW (7101M)
Washington, DC. 20004
703-305-7329
Email: dawson.jeff@epa.gov
Deliveries: 1201 Constitution Ave NW, Washington, DC 20004

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Thursday, June 03, 2021 11:56 AM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>
Subject: FW: Wendy's, States ditch food wrappers with "forever chemicals"

fyi

_____

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: Weiler, Gregory <weiler.gregory@epa.gov>
Sent: Thursday, June 3, 2021 8:05 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Rush, Randall <Rush.Randall@epa.gov>; Ayres, Sara <Ayres.Sara@epa.gov>; Angle, Stephen <Angle.Stephen@epa.gov>; Broadnax, Sheila <Broadnax.Sheila@epa.gov>; Dunbar, Kristin <Dunbar.Kristin@epa.gov>; Nystrom, Eric <nystrom.eric@epa.gov>; Garcia, Diego <Garcia.Diego01@epa.gov>; Luschek, Robert <Luschek.Robert@epa.gov>; Moline, Sierra <Moline.Sierra@epa.gov>; Khan, Sidrah <khan.sidrah@epa.gov>; RonDsmith1349@outlook.com
Cc: Kevin Wofford <kwofford@ldaf.state.la.us>; Catherine Susie Nichols <susie.nichols@agriculture.arkansas.gov>; ryan.williams@ag.ok.gov; sbaca@nmda.nmsu.edu; perry.cervantes@texasagriculture.gov; Don Renchie Ph. D. (d-renchie@tamu.edu) <d-renchie@tamu.edu>; ja-hurley@tamu.edu; Kevin Shelton (kevin.shelton@okstate.edu) <kevin.shelton@okstate.edu>; kim pope <kpope@agcenter.lsu.edu>; Phillip Lujan <pl11@nmsu.edu>; pspradley <pspradley@uaex.edu>; Dana McGinty (Dana.McGinty@agriculture.arkansas.gov) <Dana.McGinty@agriculture.arkansas.gov>; jingrao@ldaf.state.la.us; Megan Parker <megan.parker@ag.ok.gov>
Subject: Wendy's, States ditch food wrappers with "forever chemicals"

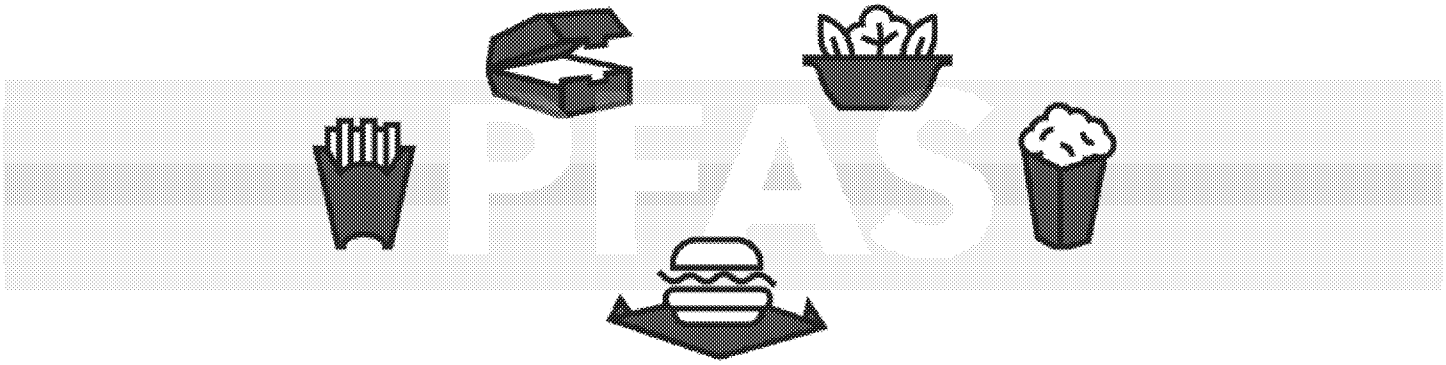

Illustration: Jonathan Hurtarte/Bloomberg Law

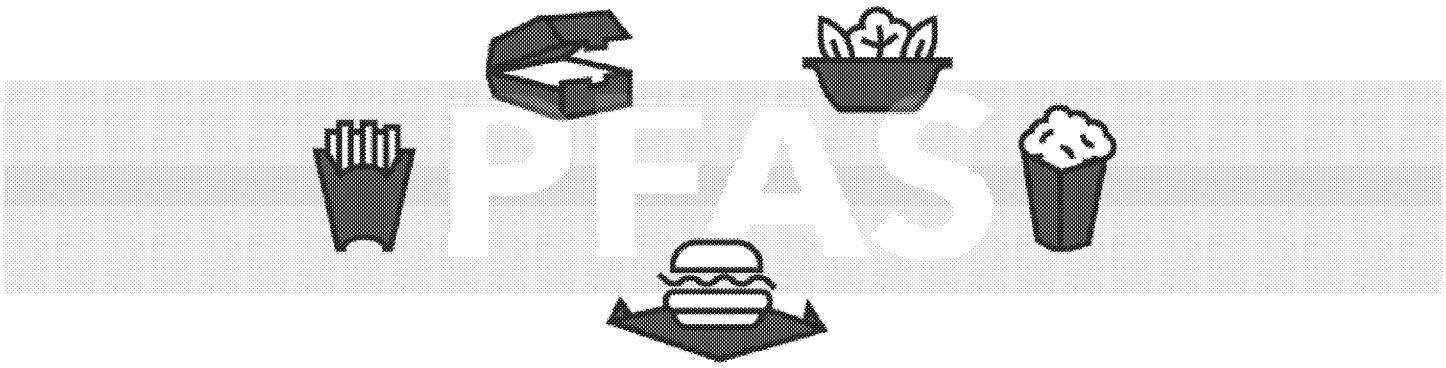

Illustration: Jonathan Hurtarte/Bloomberg Law

Wendy's, States Ditch Food Wrappers With 'Forever Chemicals'

June 3, 2021, 5:01 AM

Listen

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- Liability lawsuits about compostability emerging

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But some PFAS don't break down in the environment, and their links to health problems ranging from high cholesterol to cancer have triggered alarms across the U.S. and abroad.

Denmark, Maine, New York, Washington, and Vermont already banned PFAS from food packaging, while Minnesota, New York, and Connecticut have purchasing policies barring packaging with the chemicals. California, Minnesota, and Maryland are considering phase-out laws and/or developing regulations.

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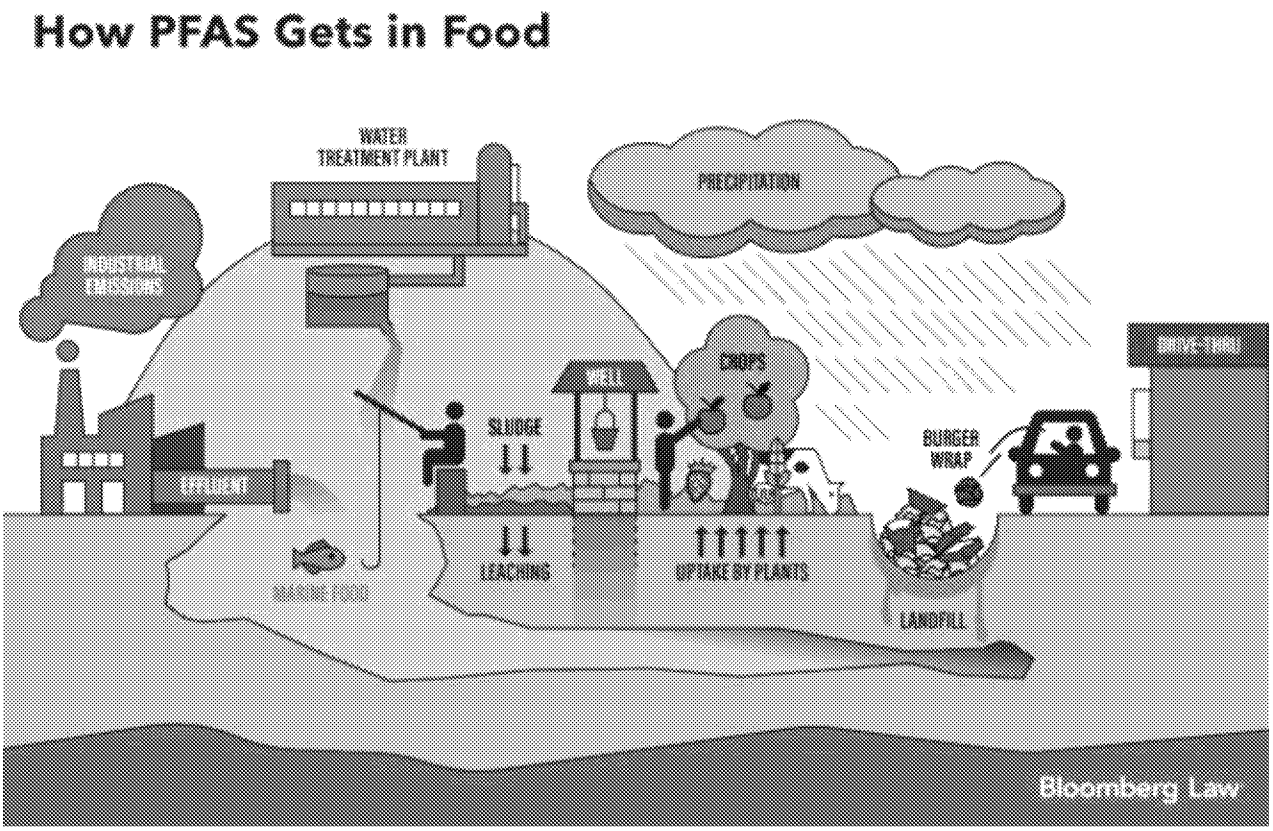
The more states and corporations ban PFAS from food packaging, the more that practice will become the industry standard and expectation, said Emily M. Lamond, an attorney with Cole Schotz P.C.'s environmental department.

It's "death by a thousand cuts," she said. "Each action creates public attention, creates that much more pressure and attention."

Adding Pressure

Eight nonprofits added more pressure on Thursday. They petitioned the Food and Drug Administration to ban all PFAS, which accumulate in the body, from packaging and other materials that touch food.

Rep. Debbie Dingell (D-Mich.) also plans to reintroduce legislation requiring the FDA to ban any use of PFAS in food packaging.



"Congress never intended persistent, toxic chemicals to be allowed in food or packaging," she told Bloomberg Law in an email.

Meanwhile, an emerging area of consumer lawsuits over PFAS in packaging are adding more incentive for businesses to look for alternatives, which state and international agencies are identifying. Wax, silicone, denser paper, and clay-based coatings are among the possible PFAS substitutes for some products, these agencies have said.

All these actions and a basic argument are aiding change, said Mike Schade, who directs the Mind the Store campaign, which has pushed companies for years to phase out hazardous chemicals including PFAS from food packaging.

"Food packaging is used once," he said. "You go to Burger King, buy a Whopper and fries, and throw away the packaging after scarfing them down. Yet the chemicals can last forever in the environment."

Corporate Policies Growing

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More corporations need to step up, said José Bravo, coordinator for the Campaign for Healthier Solutions. The group wants dollar-type store chains, which often serve as a de facto grocery store in low income neighborhoods and communities of color, to restrict PFAS and other chemicals from the products they sell.

But voluntary action isn't enough, said Tom Neltner, chemicals policy director for the Environmental Defense Fund, which spearheaded Thursday's regulatory petition. He pointed to the findings of a PFAS-sampling report released last month by a coalition of EU environmental groups.

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To contact the reporter on this story: Pat Rizzuto in Washington at prizzuto@bloombergindustry.com

To contact the editor responsible for this story: Rebecca Baker at rbaker@bloombergindustry.com

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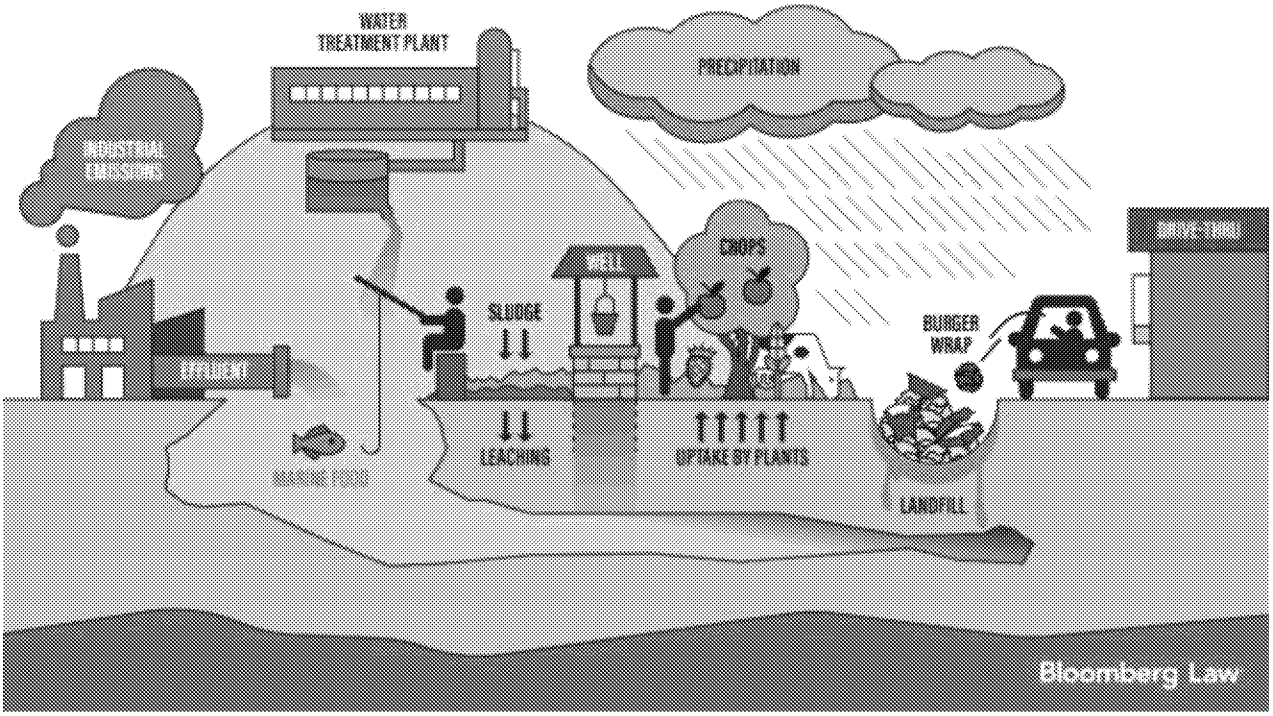
How PFAS Gets in Food



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To contact the reporter on this story: Pat Rizzuto in Washington at prizzuto@bloombergindustry.com

To contact the editor responsible for this story: Rebecca Baker at rbaker@bloombergindustry.com

From: Bloomberg Law <bloomberg@bna.com>
Sent: Thursday, June 3, 2021 6:15 AM
To: Weiler, Gregory <weiler.gregory@epa.gov>
Subject: Environment & Energy Report Newsletter

Environment & Energy Report

Thursday, June 3, 2021

Inside: Leading the News Insights Companies & Law Firms

Wendy's, States Leaving Wrappers With 'Forever Chemicals' Behind

Despite a federal thumbs-up that allows PFAS or "forever chemicals" to touch what people eat, fast-food restaurants and grocery store chains are joining a growing number of states in pushing the chemicals out of food packaging.

Looking Elsewhere: McDonald's Corp., Wendy's Co., and Whole Foods Market, Inc., are among at least 15 companies that have announced policies in recent years to phase PFAS out of packaging they use or sell. Emerging consumer lawsuits over PFAS in packaging are adding more incentive for businesses to look for alternatives. Some in Congress also want to mandate that PFAS-based food packaging should be banned altogether.

Multiple Uses: Burger wrappings, salad bowls, pet food bags, and other packaging use some of the chemicals in the PFAS family to repel oil and grease. Companies also use per- and polyfluoroalkyl substances to protect food-processing equipment from heat and other stressors. But some PFAS' inability to break down in the environment, and their links to health problems ranging from high cholesterol to cancer, have triggered alarms across the U.S. and abroad.

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Local Governments Can Use their Power to Combat Climate Change

Cities are nimbler than Congress and more capable of implementing climate policy through local laws and policy initiatives, says Jillian Blanchard, director of the climate change program at Lawyers for Good Government. In a Bloomberg Law Insight, she lays out some of the tools local governments can use to shift to renewable energy and the legal considerations.

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Brian Fitzpatrick is a go-to expert for lawyer fee requests. His expertise is based on a decade-old study of class-action fees he says is still the most comprehensive ever published.

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New Lawyers Share Tips for Acing It as a Summer Associate

Law firms have endured pandemic-related disruptions for over a year, and their summer associate programs are no exception. Law students normally benefit from face-to-face meetings with partners and associates, in-person training, and networking events. But in 2020, and again this summer, many programs are virtual. We asked incoming and new associates to share their tips on how to thrive in our two-part series, "Acing It as a Summer Associate."

Image: Jonathan Hurtarte/Bloomberg Industry Group

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Acing It as a Summer Associate: Best Best & Krieger's Marco Ornelas

By Marco Ornelas of Best Best & Krieger LLP

In our "Acing It as a Summer Associate" series, Best, Best & Krieger's Marco Ornelas—slated to join the firm as a municipal law associate—says he enjoyed a more typical internship at the Riverside, Calif., office in 2019 with trips to a brewery, horse races, and baseball games. His 2020 summer program was remote, but he met more

attorneys and had meaningful conversations withsome of them about racial justice issues.

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Acing It as a Summer Associate: Mintz's Keshav Ahuja

By Keshav Ahuja of Mintz

In our "Acing It as a Summer Associate" series, Mintz associate Keshav Ahuja says he was fortunate to be an in-office summer associate in 2019 and took part in fun extracurricular events. He says two goals should remain the same even for remote summer associates: Learn about different areas of law that interest you and try to form relationships and lasting friendships at the law firm.

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Acing It as a Summer Associate: Blank Rome LLP's Serena S. Gopal

By Serena Gopal of Blank Rome LLP

Blank Rome's Serena S. Gopal admits she had no idea what a senior partner was talking about in her first meeting as a summer associate and that she quickly Googled the phrases he used. In our "Acing It as a Summer Associate" series, she says as she learned more, she took on more duties her second summer as an associate and recommends taking initiative, communicating well, and paying attention to detail.

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Acing It as a Summer Associate: Greenberg Traurig's Sobeida Peralta

By Sobeida Peralta of Greenberg Traurig LLP

In our "Acing It as a Summer Associate" series, Greenberg Traurig's Sobeida Peralta says success as a summer associate requires more than a strong work ethic. Her advice? Realize you belong, be curious about your work, and make as many connections as possible—these are the people that will get you through the difficult times.

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Acing It as a Summer Associate: Foley & Lardner's Whitney Swart

By Whitney Swart of Foley & Lardner LLP

In our “Acing It as a Summer Associate” series, Foley & Lardner LLP’s Whitney Swart says insecurity is normal and advises summer associate to remember they are at the firm to be taught. She says it’s helpful to “be a person” at social functions and she used her “fun fact” that she is a certified birthday clown to break the ice.

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Chart: Big Oil’s Green-Spending Boost Isn’t Enough

The oil and gas industry is set to boost investments in clean energy this year, but that still won’t be enough to put the world on a path to limit a dangerous rise in global temperatures. That’s the view of the International Energy Agency, which expects traditional fossil-fuel companies to increase climate-friendly investments to at least 4% of their capital spending, up from just 1% last year.

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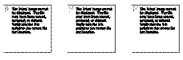

Climate

Connecticut Climate 'Deception' Case Punted Back to State Court

A federal judge tossed another climate liability case back to state court less than two weeks after the case was argued in district court last month.

Documents Attached

READ MORE

EU Targets $1 Billion for Clean Technology in Pact with Gates

The European Commission and Bill Gates joined forces in an initiative that wants to mobilize as much as $1 billion investment in clean technologies such as green hydrogen and sustainable fuels.

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EU Eyes First-of-a-Kind Border Levy in Climate Fight (1)

The European Union is planning to slap an import levy on steel, cement and aluminum produced in countries with lower environmental standards, as it seeks to become a world leader on climate without harming domestic producers.

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EU Recovery Plans Have Lawmakers Worried About Greenwashing

The Greens in the European Parliament warned that some member states' recovery plans may lead to so-called greenwashing and could fail to meet the region's climate-related spending goals as it embarks on an unprecedented energy transition.

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Carney, StanChart's Winters Hit Impasse With Carbon-Offset Plan

Global warming is the world's biggest market failure, so the solution might just be better trading. On one side of the trade would be the companies clogging the atmosphere with heat-trapping gases; on the other countless projects to eliminate the problem by planting trees or building machines that capture carbon dioxide. Create a market that turns a ton of removed carbon into a commodity just like corn or copper, and money will flow from the emitters to the fixers.

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Maersk Seeks $150-a-Ton Carbon Tax on Shipping Fuel (2)

The world's largest container shipping line has called for a $150-a-ton carbon tax on shipping fuel that would drive up the costs for an industry that delivers 80% of world trade.

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Energy & Natural Resources

Liability Shield for Controlled Burns Advances in California

A bipartisan group of California senators unanimously passed a bill Wednesday that would shield burn bosses, landowners, and others from liability if a prescribed burn they ignite to reduce wildfire risk gets out of control.

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Illinois Lawmakers Need Special Session for Exelon, Energy Bill

The Illinois Legislature will meet in a special session to rewrite state energy policy after it failed to complete the work during the regular session, legislators said.

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Exxon Activist Expands Boardroom Presence With Third Seat (2)

Exxon Mobil Corp. activist investor Engine No. 1 expanded its presence on the oil giant's board to three seats, according to preliminary vote tallies, cementing a victory that has reverberated across the energy industry.

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Permian Study Finds Overproduction Leading to More Methane Leaks (1)

The energy-rich region of the southwestern U.S. known to geologists and fossil fuel enthusiasts as the Permian Basin has expanded its production more quickly than any other oil and gas region in recent years, reaching 38% of U.S. oil and 17% of gas production in 2020. With this scale has come a gush of greenhouse gas emissions, although just how much has until recently been impossible to say.

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Orsted Seeks Green Supermajor Role With $57 Billion Plan (1)

Orsted A/S plans to spend 350 billion Danish kroner ($57 billion) by 2027 to be the world's leading green energy provider.

READ MORE

Energy Transfer's Sunoco, Magellan Midstream Settle Patent Suit

Sunoco Partners Marketing & Terminals, a unit of Energy Transfer Partners, had alleged that a blending system installed along an interstate pipeline by Magellan Midstream Partners and Powder Springs Logistics, infringes patents for injecting butane into gasoline.

Docket Attached

READ MORE

Hazardous Waste

Intercontinental Terminals Sued for Oil Spill Cleanup Costs

Stolthaven Houston Inc. alleges Intercontinental Terminals Co. LLC must pay about $260,000 to address the costs of responding to a Texas oil storage facility fire, according to a complaint filed Wednesday in federal district court.

Documents Attached

READ MORE

Companies

Mentioned in this issue

Alphabet Inc

Amazon.com Inc

Ameren Corp

Andeavor

BP PLC

Brookfield Asset Management Inc

Chemours Co/The

Chipotle Mexican Grill Inc

Enel SpA

Equifax Inc

Exelon Corp

Exxon Mobil Corp

Iberdrola SA

Law Firms

Mentioned in this issue

Best Best & Krieger

Blank Rome

Boies Schiller Flexner

Cole Schotz

Foley & Lardner

Greater Boston Legal Services

Greenberg Traurig

Keller and Heckman

Lathrop GPM

Liskow & Lewis

Mintz PC

Perkins Coie

Quinn Emanuel

Koninklijke Ahold Delhaize NV

Kroger Co/The

Microsoft Corp

Morgan Stanley

Orsted A/S

Royal Dutch Shell PLC

Standard Chartered PLC

TJX Cos Inc/The

Wendy's Co/The

Whole Foods Market Inc

Yum! Brands Inc

Sidley Austin

Winston & Strawn

1801 South Bell Street, Arlington, VA 22202

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Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 4/4/2021 1:39:10 AM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Sounds good, Dan and Meg! I'll follow up with Ed on this topic.

Thanks much!

Sandra O'Neill
919 323 7926

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, April 2, 2021 2:59 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Ope, looks like Dan and I answered simultaneously. I will of course be around if needed for support, but hopefully Ed is will be available to lead this one.

- Meg

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Friday, April 02, 2021 2:54 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra – while I think Meg super skilled at these type of meetings – Ex. 5 Deliberative Process (DP)

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I made this point at the planning meeting – and I thought I heard that we might either: Ex. 5 Deliberative Process (DP)

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Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

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From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, March 31, 2021 4:03 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
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Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

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Meg

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Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

As a follow-up to the 3/10 SFIREG Joint Working Committee walk-through meeting, SFIREG has sent questions for the PFAS and Dicamba sessions (SFIREG JWC to take place April 12-13). We've informed SFIREG that EPA goes through clearance processes for questions submitted in advance, and these may not have arrived in time to get senior level clearance. If that's the case for these questions, may be good to plan for a back pocket response appropriate for a public meeting, offering a full response at a later time to give time for clearances.

FYI: We have not yet received an updated agenda from SFIREG. We've also passed on Pentachlorophenol questions to AD.

Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rogers, Jeffrey <jeffrey.rogers@vdacs.virginia.gov>
Sent: Wednesday, March 31, 2021 1:00 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Leach, Carrie A <leach13@purdue.edu>; GBahr@agr.wa.gov; aapco.sfireg <aapco.sfireg@gmail.com>
Subject: JWC Mtg: PFAS, Pentachlorophenol & Dicamba Questions for EPA

Good Afternoon Sandra,
As per your request, I have included a few of the questions the JWCs would like to have addressed by EPA, if possible. I apologize for the delay, I hope there is still time for the appropriate people to be able to get the appropriate approvals from senior staff. Many thanks to Gary and Carrie for pulling this off.

PFAS

During the joint session on Monday, could EPA address the following:

- What is the definition of a PFAS compound in the context of pesticides?
- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS
- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?
- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?
- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?

- Will there be a similar response from EPA regarding Permanone 30-30?
- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?
- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?
- Is there a Safety Data Sheet (SDS) for the packaging?
- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry?
- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?
- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

During the EQI breakout on Tuesday, the committee would like to continue discussions and address some additional topics:

- Methods used for determination. Will BEAD be sharing their validated methods with states?
- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing?

Pentachlorophenol

During the joint session on Tuesday, could EPA address the following:

- Discussion on the action proposed in the March 5, 2021 notice,
- Cancellation and phase out plans,
- What kind of comments are they looking for by May 5th,
- Time table for the phase-out and continued use of stockpiled material,
- Dealing with treated wood products that are in the chain of sale or commerce,
- Future commercial uses of existing or newer pentachlorophenol replacements
- Are the replacements more effective and sustainable,
- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood
    - isothiazolinones can be used as wood preservatives.
        - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
            - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
        - OIT (2-n-octyl-4-isothiazolin-3-one), another isothiazolone, is used as a sapstain wood preservative. Information on OIT is available in docket EPA-HQ-OPP-2014-0160.
        - A mixture of the isothiazolones MIT (2-methyl-4-isothiazoline-3-one) and CMIT (5-chloro-2-methyl-4-isothiazoline-3-one) is used in pressure treatment of wood. Further information is available in docket EPA-HQ-OPP-2013-0605.

- What environmental and human health information does EPA have on compounds like DCOIT, OIT, MIT, CMIT,
- These are registered under FIFRA, and what data exists to be able to generate some aquatic life and/or human health benchmarks.
- How are these alternatives safer for human exposure and environmental and aquatic impacts,
- Is there toxicity testing that has been done for these replacements, and is that data available,
- Industry material safety data sheets indicate that certain compounds are highly acutely toxic to fish and other aquatic organisms,
- There are no EPA aquatic life benchmarks for DCOIT and related compounds,
- NPDES permitting and municipal storm water leaders are asking SLAs for direction and information on these issues for the projected changes with these chemicals,

Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.
    - If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
    - Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 4/2/2021 6:56:14 PM
To: ONeill, Sandra [ONeill.Sandra@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra:
HB was talking about this earlier today. Since the goal of this session appear to be reiterating and affirming EPA's message about the 24(c) policy rather than conveying new information, this would ideally be done by a senior manager like Ed Messina or Mike Goodis.

I got the impression from Dan that Ed might be up for this one, but since we didn't have a schedule previously, nothing's been finalized.

- Meg

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Friday, April 02, 2021 2:37 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
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Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

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919 323 7926

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- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?
- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

During the EQI breakout on Tuesday, the committee would like to continue discussions and address some additional topics:

- Methods used for determination. Will BEAD be sharing their validated methods with states?

- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing?

Pentachlorophenol

During the joint session on Tuesday, could EPA address the following:

- Discussion on the action proposed in the March 5, 2021 notice,
- Cancellation and phase out plans,
- What kind of comments are they looking for by May 5th,
- Time table for the phase-out and continued use of stockpiled material,
- Dealing with treated wood products that are in the chain of sale or commerce,
- Future commercial uses of existing or newer pentachlorophenol replacements
- Are the replacements more effective and sustainable,
- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood
    - isothiazolinones can be used as wood preservatives.
        - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
            - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
        - OIT (2-n-octyl-4-isothiazolin-3-one), another isothiazolone, is used as a sapstain wood preservative. Information on OIT is available in docket EPA-HQ-OPP-2014-0160.
        - A mixture of the isothiazolones MIT (2-methyl-4-isothiazoline-3-one) and CMIT (5-chloro-2-methyl-4-isothiazoline-3-one) is used in pressure treatment of wood. Further information is available in docket EPA-HQ-OPP-2013-0605.
- What environmental and human health information does EPA have on compounds like DCOIT, OIT, MIT, CMIT,
- These are registered under FIFRA, and what data exists to be able to generate some aquatic life and/or human health benchmarks.
- How are these alternatives safer for human exposure and environmental and aquatic impacts,
- Is there toxicity testing that has been done for these replacements, and is that data available,
- Industry material safety data sheets indicate that certain compounds are highly acutely toxic to fish and other aquatic organisms,
- There are no EPA aquatic life benchmarks for DCOIT and related compounds,
- NPDES permitting and municipal storm water leaders are asking SLAs for direction and information on these issues for the projected changes with these chemicals,

Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.

- If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
- Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 4/7/2021 3:02:42 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Bohnenblust, Eric [Bohnenblust.Eric@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

OK. 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

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, April 7, 2021 7:54 AM
To: Messina, Edward <Messina.Edward@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>
Subject: FW: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Ed – we followed up with Meg and would prefer for you to take the lead on the dicamba discussion with SFIREG. We will draft talking points for you and ensure that we have the correct staff from HB and MUERB for support in case there are detailed questions.

Jan/Kimberly – can you make sure appropriate EFED and RD staff are also available?

Sandra – could you please get this time slot reserved on Ed's calendar (I believe that Ann McKamey can help with the calendar)?

Thanks,
Marietta

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, April 6, 2021 7:19 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks Marietta. Yes, Dan and I are meeting tomorrow. I still think Ed should be the lead on this one for speaking, but will work with Dan to provide back-up on talking points. Please let us know if you have any suggestions for what we should include.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
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Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – following up on this – Ed has asked us to draft talking points for this meeting for clearance. I understand that you and Dan are talking tomorrow at 2:30 and can discuss more then. He is happy to do the talking but also happy if you want to do the talking.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Friday, April 2, 2021 2:54 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra – while I think I Ex. 5 Deliberative Process (DP)

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I made this point at the planning meeting – and I thought I heard that we might either: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Friday, April 2, 2021 2:37 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – thanks for this. We've got an updated draft agenda (attached) from SFIREG and the dicamba session will occur on April 12 from 12 – 1 PM. Seems like the points for this session might be well in hand with the info. from below.

Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

Best,

Sandra O'Neill
919 323 7926

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, March 31, 2021 4:03 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra:

Regarding the dicamba questions, I welcome input from Dan and Marietta but it seems to me that OPP would reiterate for SFIREG some of the talking points Michal made re. 24cs at the recent AAPCO meeting. Namely:

- Correct, restrictive registrations are a "no" under 24(c).
- It's incorrect that registrations expanding uses are a "no" for 24(c)s. However, in the case of dicamba specifically, EPA is interested in establishing a baseline of data from the 2021 growing season on dicamba's performance when the requirements of the Oct. 2020 federal labels are followed.
- Re. incidents, EPA continues to monitor dicamba's track record and requires registrants to submit incident data in accordance with the terms and conditions of registration for their products. EPA also encourages states to continue to communicate their incident findings on dicamba to the Agency.
- Re. litigation, EPA does not know what stance courts may reach on pending dicamba actions, but the Agency will comply as required by law with any legal decision(s).

Meg

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

As a follow-up to the 3/10 SFIREG Joint Working Committee walk-through meeting, SFIREG has sent questions for the PFAS and Dicamba sessions (SFIREG JWC to take place April 12-13). We've informed SFIREG that EPA goes through clearance processes for questions submitted in advance, and these may not have arrived in time to get senior level clearance. If that's the case for these questions, may be good to plan for a back pocket response appropriate for a public meeting, offering a full response at a later time to give time for clearances.

FYI: We have not yet received an updated agenda from SFIREG. We've also passed on Pentachlorophenol questions to AD.

Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rogers, Jeffrey <jeffrey.rogers@vdacs.virginia.gov>
Sent: Wednesday, March 31, 2021 1:00 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Leach, Carrie A <leach13@purdue.edu>; GBahr@agr.wa.gov; aapco.sfireg <aapco.sfireg@gmail.com>
Subject: JWC Mtg: PFAS, Pentachlorophenol & Dicamba Questions for EPA

Good Afternoon Sandra,
As per your request, I have included a few of the questions the JWCs would like to have addressed by EPA, if possible. I apologize for the delay, I hope there is still time for the appropriate people to be able to get the appropriate approvals from senior staff. Many thanks to Gary and Carrie for pulling this off.

PFAS

During the joint session on Monday, could EPA address the following:

- What is the definition of a PFAS compound in the context of pesticides?
- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS
- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?
- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?
- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?
- Will there be a similar response from EPA regarding Permanone 30-30?
- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?
- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?
- Is there a Safety Data Sheet (SDS) for the packaging?
- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry?
- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?

- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

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- Future commercial uses of existing or newer pentachlorophenol replacements
- Are the replacements more effective and sustainable,
- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood
    - isothiazolinones can be used as wood preservatives.
        - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
            - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
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- There are no EPA aquatic life benchmarks for DCOIT and related compounds,
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Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local

needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.

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I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 4/8/2021 12:03:26 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks, Marietta ☺

Sandra O'Neill
919 323 7926

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Thursday, April 8, 2021 7:59 AM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

I got it! I sent the email without looking at the calendar first. Thanks Sandra – I appreciate all the work you do to coordinate with SFIREG. I know it's a tall order!

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Thursday, April 8, 2021 7:56 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Marietta – sorry about that, I didn't include your name on the list but did include on the dicamba session invite itself. Please let me know if it hasn't reached you.

Thanks,

Sandra O'Neill
919 323 7926

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, April 7, 2021 5:16 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Please add me as well. Thanks!

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, April 7, 2021 8:49 AM
To: Matuszko, Jan <Matuszko.Jan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Good morning all, yes, I'll calendar this specific slot for Ed, and will include Jan, Kimberly, Dan, and Meg as optional. Please let me know if you'd like me to include others as well, or also feel free to forward on to folks you'd like to be present.

Thanks,

Sandra O'Neill
919 323 7926

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Wednesday, April 7, 2021 8:00 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
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Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks for including us in this string so that we are aware of the potential questions and the type of support needed.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, April 7, 2021 7:54 AM
To: Messina, Edward <Messina.Edward@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
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Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

Best,

Sandra O'Neill
919 323 7926

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Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

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Meg

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

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Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rogers, Jeffrey <jeffrey.rogers@vdacs.virginia.gov>
Sent: Wednesday, March 31, 2021 1:00 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Leach, Carrie A <leach13@purdue.edu>; GBahr@agr.wa.gov; aapco.sfireg <aapco.sfireg@gmail.com>
Subject: JWC Mtg: PFAS, Pentachlorophenol & Dicamba Questions for EPA

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to get the appropriate approvals from senior staff. Many thanks to Gary and Carrie for pulling this off.

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Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a

period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.

- If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
- Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: Echeverria, Marietta [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=36C56B7169144626BD6AADEA25992D4E-MARIETTA ECHEVERRIA]
Sent: 4/6/2021 8:48:25 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Great. You may want to loop in Sarah on the priority bins question. She worked on the original that I had comments on. Thank you!

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Tuesday, April 6, 2021 4:47 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks.

I was also planning to talk to Meg about the dicamba pendings and the priority bins you mentioned. In order to make sure that was being developed.

She was on a 2,4-D call this afternoon – which is why I didn't take care of this today.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, April 6, 2021 4:39 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – following up on this – Ed has asked us to draft talking points for this meeting for clearance. I understand that you and Dan are talking tomorrow at 2:30 and can discuss more then. He is happy to do the talking but also happy if you want to do the talking.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Friday, April 2, 2021 2:54 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra – while I think Meg super skilled at these type of meetings - Ex. 5 Deliberative Process (DP)

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From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Friday, April 2, 2021 2:37 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – thanks for this. We've got an updated draft agenda (attached) from SFIREG and the dicamba session will occur on April 12 from 12 – 1 PM. Seems like the points for this session might be well in hand with the info. from below.

Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

Best,

Sandra O'Neill
919 323 7926

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, March 31, 2021 4:03 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
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Appointment

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 2/3/2021 4:50:36 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Qian, Yaorong [qian.yaorong@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Williamson, Tracy [Williamson.Tracy@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Charlton, Tom [Charlton.Tom@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Miles, James [miles.james@epa.gov]; Le, Madison [Le.Madison@epa.gov]; Odusote, Gloria [odusote.gloria@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Bellot, Michael [Bellot.Michael@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; Huskey, Angela [Huskey.Angela@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Aunkst, Dana [aunkst.dana@epa.gov]; Driscoll, Stacie [Driscoll.Stacie@epa.gov]; Stroyeck, Lauren [Stroyeck.Lauren@epa.gov]; Williams, Bridget [Williams.Bridget@epa.gov]; Larkin, Jenna [larkin.jenna@epa.gov]; Winters, Melissa [Winters.Melissa@epa.gov]; Forman, Debra [forman.debra@epa.gov]; Schwarz, Stephanie [Schwarz.Stephanie@epa.gov]; Lloyd, Tyler [Lloyd.Tyler@epa.gov]; Wen, Chen [Wen.Chen@epa.gov]; Ellenbogen, Victoria [Ellenbogen.Victoria@epa.gov]; Franklyn, Valarie [Franklyn.Valarie@epa.gov]

Subject: OCSPP/OECA PFAS Check-In
Attachments: Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment; Untitled Attachment
Location: Microsoft Teams Meeting

Start: 2/9/2021 9:00:00 PM
End: 2/9/2021 10:00:00 PM
Show Time As: Tentative

Recurrence: Weekly
every Tuesday from 4:00 PM to 5:00 PM
Required Attendees: Nesci, Kimberly; Goodis, Michael; Nguyen, Thuy; Qian, Yaorong; Teter, Royan; Saenz, Diana; Aubee, Catherine; Anderson, Neil; Lara, Rhina; Ozmen, Shamus; Dennis, Allison; Widawsky, David; Helfgott, Daniel; Garcia, Beth
Optional Attendees: Messina, Edward; Echeverria, Marietta; Henry, Tala; Keigwin, Richard; Tracy Williamson (Williamson.Tracy@epa.gov); Picone, Kaitlin; Charlton, Tom; Rodman, Sonja; Garvey, Mark; Miles, James; Madison Le (Le.Madison@epa.gov); Odusote, Gloria; ONeill, Sandra; Butler, Tristan; Schmit, Ryan; Dunton, Cheryl; Koch, Erin; Wolf, Joel; Kaczmarek, Chris; Cyran, Carissa; Leifer, Kerry; Bellot, Michael; Davies, Clive (Davies.Clive@epa.gov); Huskey, Angela; Dawson, Jeffrey; Aunkst, Dana; Driscoll, Stacie; Stroyeck, Lauren; Bridget Williams; Larkin, Jenna; Winters, Melissa; Forman, Debra; Schwarz, Stephanie; Lloyd, Tyler; Wen, Chen; Ellenbogen, Victoria; Franklyn, Valarie

Standing Agenda/Updates

- OPP/OCSPP
  - BEAD & lab testing
  - RD
  - OPP
- OPS/OCSPP
- OPPT/OCSPP
- OCSPP IO

- OECA
- OGC
- Regions
- Anyone else?

Please review and address comments in the new link. It includes both the status of the OPP lab testing and the status of other collaborations/discussions.
PFAS in Pesticide Containers - Status - 02 18 2021 - with Comments for Team.docx

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Appointment

To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Nguyen, Thuy [Nguyen.Thuy@epa.gov]; Qian, Yaorong [qian.yaorong@epa.gov]; Teter, Royan [Teter.Royan@epa.gov]; Saenz, Diana [Saenz.Diana@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Ozmen, Shamus [Ozmen.Shamus@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Widawsky, David [Widawsky.David@epa.gov]; Helfgott, Daniel [Helfgott.Daniel@epa.gov]

CC: Williamson, Tracy [Williamson.Tracy@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Charlton, Tom [Charlton.Tom@epa.gov]; Rodman, Sonja [Rodman.Sonja@epa.gov]; Garvey, Mark [Garvey.Mark@epa.gov]; Miles, James [miles.james@epa.gov]; Le, Madison [Le.Madison@epa.gov]; Odusote, Gloria [odusote.gloria@epa.gov]; ONeill, Sandra [ONeill.Sandra@epa.gov]; Butler, Tristan [Butler.Tristan@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Koch, Erin [Koch.Erin@epa.gov]; Wolf, Joel [Wolf.Joel@epa.gov]; Kaczmarek, Chris [Kaczmarek.Chris@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]; Leifer, Kerry [Leifer.Kerry@epa.gov]; Bellot, Michael [Bellot.Michael@epa.gov]; Davies, Clive [Davies.Clive@epa.gov]; Dawson, Jeffrey [Dawson.Jeff@epa.gov]; Huskey, Angela [Huskey.Angela@epa.gov]; Tracy Williamson (Williamson.Tracy@epa.gov) [Williamson.Tracy@epa.gov]

Start: 3/30/2021 8:00:00 PM
End: 3/30/2021 9:00:00 PM

Recurrence: (none)

Required Attendees: Goodis, Michael; Nguyen, Thuy; Qian, Yaorong; Teter, Royan; Saenz, Diana; Aubee, Catherine; Anderson, Neil; Lara, Rhina; Ozmen, Shamus; Dennis, Allison; Widawsky, David; Helfgott, Daniel

Optional Attendees: Tracy Williamson (Williamson.Tracy@epa.gov); Messina, Edward; Echeverria, Marietta; Henry, Tala; Keigwin, Richard; Picone, Kaitlin; Charlton, Tom; Rodman, Sonja; Garvey, Mark; Miles, James; Madison Le (Le.Madison@epa.gov); Odusote, Gloria; ONeill, Sandra; Butler, Tristan; Schmit, Ryan; Dunton, Cheryl; Koch, Erin; Wolf, Joel; Kaczmarek, Chris; Cyran, Carissa; Leifer, Kerry; Bellot, Michael; Davies, Clive (Davies.Clive@epa.gov)

For 3/30/2021 meeting:

- Updates on lab testing (OPP)
  - Own testing status, including anvil data and other data
  - Our thoughts on PEER data
  - Plan – schedule call with Kyla
- Updates from OPP (RD), if any
- Updates from OPPT, if any
- Updates on OECA
  - TSCA Subpoena
  - Call between the chemists
- Communication Efforts (OPS)
  - Bloomberg interview – follow-up on definition of PFAS (kn)
- Any other updates/requests

Please review and address comments in the new link. It includes both the status of the OPP lab testing and the status of other collaborations/discussions.

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Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 3/30/2021 3:03:40 PM
To: Leifer, Kerry [Leifer.Kerry@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Ooo yes, thanks for pointing that out!

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Tuesday, March 30, 2021 11:03 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina

Q1 has a typo "subcultural" should be "substructural."

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: Lara, Rhina
Sent: Tuesday, March 30, 2021 10:55 AM
To: Leifer, Kerry <Leifer.Kerry@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Kerry,

Thank you for suggesting I reach out to ORD! I am working on questions 3 and 4 with them. Their explanation of the EPA CompTox Chemicals Dashboard helped me edit question 1. Here are the questions and responses that will still need RD input.

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***
   Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. Pesticide active ingredients on the list are included because they have small substructural elements similar to those of the substructures that informed the creation of the PFAS Master List. Pesticides that have small PFAS substituents could produce PFAS through various processes. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***
There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***
Working with ORD on response.

Ex. 5 Deliberative Process (DP)

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***
Working with ORD on response.

Ex. 5 Deliberative Process (DP)

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina,

Questions 3 and 4 are related to the EPA CompTox Chemicals Dashboard, which is a project of the Center for Computational Toxicology and Exposure/ORD. I would think they would be in the best position to answer those questions.

I am trying to track down the registration status of lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon but my OPPIN connection is spotty right now. I know tetraconazole is one of the Fungicide Branch's chemicals and the other three chemicals are all insecticides so they would be in one of the RD IVB's. I've copied the FB and the three IVB Branch Chiefs on this message.

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: Lara, Rhina
Sent: Monday, March 29, 2021 11:48 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Catherine and Kerry,

We received an inquiry through the PFAS in Pesticide Packaging inbox regarding certain active ingredients in pesticides (Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon) and whether they are considered PFAS. I tried to answer two of the questions using some of our previously approved responses, but will need your help in answering the others. We don't have a strict deadline on these, but would like to have an answer prepped by Wednesday morning.

Here is the incoming message:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.
In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

> *"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."*

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?

4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Ex. 5 Deliberative Process (DP)

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

Ex. 5 Deliberative Process (DP)

3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: Kaul, Monisha [Kaul.Monisha@epa.gov]
Sent: 4/7/2021 2:34:13 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Berwald, Derek [Berwald.Derek@epa.gov]
CC: Johnson, Hope [Johnson.Hope@epa.gov]; Anderson, Neil [Anderson.Neil@epa.gov]
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Sure. I'll ask Bill. I won't be able to attend.

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Wednesday, April 7, 2021 8:16 AM
To: Kaul, Monisha <Kaul.Monisha@epa.gov>; Berwald, Derek <Berwald.Derek@epa.gov>
Cc: Johnson, Hope <Johnson.Hope@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Subject: FW: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Monisha and Derek, can you make sure there's coverage at next week's SFIREG for the Dicamba discussions? It's on my calendar, and Sandra Oneill can get you the Agenda. Thanks.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Wednesday, April 7, 2021 7:54 AM
To: Messina, Edward <Messina.Edward@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Bohnenblust, Eric <Bohnenblust.Eric@epa.gov>
Subject: FW: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Ed – we followed up with Meg and would prefer for you to take the lead on the dicamba discussion with SFIREG. We will draft talking points for you and ensure that we have the correct staff from HB and MUERB for support in case there are detailed questions.

Jan/Kimberly – can you make sure appropriate EFED and RD staff are also available?

Sandra – could you please get this time slot reserved on Ed's calendar (I believe that Ann McKamey can help with the calendar)?

Thanks,
Marietta

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, April 6, 2021 7:19 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Thanks Marietta. Yes, Dan and I are meeting tomorrow. I still think Ed should be the lead on this one for speaking, but will work with Dan to provide back-up on talking points. Please let us know if you have any suggestions for what we should include.

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Tuesday, April 06, 2021 4:39 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – following up on this – Ed has asked us to draft talking points for this meeting for clearance. I understand that you and Dan are talking tomorrow at 2:30 and can discuss more then. He is happy to do the talking but also happy if you want to do the talking.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Friday, April 2, 2021 2:54 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra – while I think Meg super skilled at these type of meetings – it doesn't serve us to talk about the items the

Ex. 5 Deliberative Process (DP)

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Friday, April 2, 2021 2:37 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – thanks for this. We've got an updated draft agenda (attached) from SFIREG and the dicamba session will occur on April 12 from 12 – 1 PM. Seems like the points for this session might be well in hand with the info. from below.

Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

Best,

Sandra O'Neill
919 323 7926

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, March 31, 2021 4:03 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra:

Regarding the dicamba questions, I welcome input from Dan and Marietta but it seems to me that OPP would reiterate for SFIREG some of the talking points Michal made re. 24cs at the recent AAPCO meeting. Namely:

- Correct, restrictive registrations are a "no" under 24(c).
- It's incorrect that registrations expanding uses are a "no" for 24(c)s. However, in the case of dicamba specifically, EPA is interested in establishing a baseline of data from the 2021 growing season on dicamba's performance when the requirements of the Oct. 2020 federal labels are followed.
- Re. incidents, EPA continues to monitor dicamba's track record and requires registrants to submit incident data in accordance with the terms and conditions of registration for their products. EPA also encourages states to continue to communicate their incident findings on dicamba to the Agency.
- Re. litigation, EPA does not know what stance courts may reach on pending dicamba actions, but the Agency will comply as required by law with any legal decision(s).

Meg

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

As a follow-up to the 3/10 SFIREG Joint Working Committee walk-through meeting, SFIREG has sent questions for the PFAS and Dicamba sessions (SFIREG JWC to take place April 12-13). We've informed SFIREG that EPA goes through clearance processes for questions submitted in advance, and these may not have arrived in time to get senior level clearance. If that's the case for these questions, may be good to plan for a back pocket response appropriate for a public meeting, offering a full response at a later time to give time for clearances.

FYI: We have not yet received an updated agenda from SFIREG. We've also passed on Pentachlorophenol questions to AD.

Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rogers, Jeffrey <jeffrey.rogers@vdacs.virginia.gov>
Sent: Wednesday, March 31, 2021 1:00 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Leach, Carrie A <leach13@purdue.edu>; GBahr@agr.wa.gov; aapco.sfireg <aapco.sfireg@gmail.com>
Subject: JWC Mtg: PFAS, Pentachlorophenol & Dicamba Questions for EPA

Good Afternoon Sandra,
As per your request, I have included a few of the questions the JWCs would like to have addressed by EPA, if possible. I apologize for the delay, I hope there is still time for the appropriate people to be able to get the appropriate approvals from senior staff. Many thanks to Gary and Carrie for pulling this off.

PFAS

During the joint session on Monday, could EPA address the following:

- What is the definition of a PFAS compound in the context of pesticides?
- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS
- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?
- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?
- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?
- Will there be a similar response from EPA regarding Permanone 30-30?
- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?
- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?
- Is there a Safety Data Sheet (SDS) for the packaging?
- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry?
- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?

- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

During the EQI breakout on Tuesday, the committee would like to continue discussions and address some additional topics:

- Methods used for determination. Will BEAD be sharing their validated methods with states?
- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing?

Pentachlorophenol

During the joint session on Tuesday, could EPA address the following:

- Discussion on the action proposed in the March 5, 2021 notice,
- Cancellation and phase out plans,
- What kind of comments are they looking for by May 5th,
- Time table for the phase-out and continued use of stockpiled material,
- Dealing with treated wood products that are in the chain of sale or commerce,
- Future commercial uses of existing or newer pentachlorophenol replacements
- Are the replacements more effective and sustainable,
- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood
    - isothiazolinones can be used as wood preservatives.
        - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
            - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
        - OIT (2-n-octyl-4-isothiazolin-3-one), another isothiazolone, is used as a sapstain wood preservative. Information on OIT is available in docket EPA-HQ-OPP-2014-0160.
        - A mixture of the isothiazolones MIT (2-methyl-4-isothiazoline-3-one) and CMIT (5-chloro-2-methyl-4-isothiazoline-3-one) is used in pressure treatment of wood. Further information is available in docket EPA-HQ-OPP-2013-0605.
- What environmental and human health information does EPA have on compounds like DCOIT, OIT, MIT, CMIT,
- These are registered under FIFRA, and what data exists to be able to generate some aquatic life and/or human health benchmarks.
- How are these alternatives safer for human exposure and environmental and aquatic impacts,
- Is there toxicity testing that has been done for these replacements, and is that data available,
- Industry material safety data sheets indicate that certain compounds are highly acutely toxic to fish and other aquatic organisms,
- There are no EPA aquatic life benchmarks for DCOIT and related compounds,
- NPDES permitting and municipal storm water leaders are asking SLAs for direction and information on these issues for the projected changes with these chemicals,

Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local

needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.

- If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
- Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: Ozmen, Shamus [Ozmen.Shamus@epa.gov]
Sent: 5/6/2021 6:18:18 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]
CC: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Lara, Rhina [Lara.Rhina@epa.gov]; Cyran, Carissa [Cyran.Carissa@epa.gov]
Subject: for OPP IO awareness: updating PFAS and pesticide webpage with Q&As from these last few weeks
Attachments: PFAS Pesticides Qs&As 5-2021.docx

Thank you the earlier approvals on the various sets of SFIREG Q&As which are mostly the same ones we've answered in press inquiries (E&E and Bloomberg). With Rick and Cheryl's review and agreement, instead of sending the Q&As back to SFIREG, we will post these on our webpage so the agency is the source of answers rather than SFIREG (who said they would post them on line and thus potentially lead the story).

We will also work with Beth to give the regions a heads-up first.

Web preview: https://wcms.epa.gov/node/262415/revisions/1075327/view

Mark-up: attached

Please let us know any concerns you might have.

Thanks,
Shamus

[HYPERLINK "https://www.epa.gov/pesticides/pfas-packaging"]

Per- and Polyfluoroalkyl Substances (PFAS) in Pesticide Packaging

As part of the U.S. Environmental Protection Agency's (EPA) extensive efforts to address PFAS, the agency is making new information available about EPA testing showing PFAS contamination from fluorinated containers. [HYPERLINK "https://www.epa.gov/newsreleases/epa-takes-action-investigate-pfas-contamination"].

While the agency is early in its investigation and assessment of potential impacts on health or the environment, the affected pesticide manufacturer has voluntarily stopped shipment of any products in fluorinated high-density polyethylene (HDPE) containers.

On March 5, 2021, EPA released testing data showing PFAS contamination from the fluorinated HDPE containers used to store and transport a mosquito control pesticide product. The agency also outlined its next steps as it continues working with a variety of stakeholders to collect additional information on this issue. [HYPERLINK "https://www.epa.gov/newsreleases/epa-releases-testing-data-showing-pfas-contamination-fluorinated-containers"]

Frequently Asked Questions

1. What is the definition of a PFAS compound in the context of pesticides?

Pesticides undergo a rigorous scientific assessment process prior to registration. EPA independently evaluates chemical-specific data to ensure that pesticides can be used safely and without unreasonable adverse effects to the environment when label directions are followed. In response to public interest in PFAS chemicals, the EPA Office of Pesticide Programs previously determined that there were no pesticide active or inert ingredients with structures similar to prominent PFAS such as PFOS, PFOA, and GenX. As further due diligence, we are now working with other offices in EPA (including the Office of Research and Development) to further evaluate structures by applying the latest working definition from our sister office, the Office of Pollution Prevention and Toxics (OPPT), which manages the Toxic Substances Control Act (TSCA) program.

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2. Why are HDPE containers fluorinated?

Information EPA currently has on fluorinated HDPE containers indicates that they are treated inside and outside through fluorination, a process that creates a

chemical barrier for a pre-produced container to prevent changes in chemical composition. Using fluorous sealed technology improves container stability, and is intended to make containers less permeable, reactive and dissolvable.

32. What PFAS compounds were detected on or in the containers?

To date, testing on a limited number of fluorinated HDPE containers used by one pesticide product supplier show presence of the following PFAS compounds. Testing was performed by rinsing both the interior and exterior (when appropriate) of the container with methanol and analyzing the rinsates using a method modified from the [HYPERLINK "https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=343042&Lab=NERL"].

Abbreviated name	Full name
PFBA	Perfluoro-butanoic acid
PFPeA	Perfluoro-pentanoic acid
PFHxA	Perfluoro-hexanoic acid
PFHpA	Perfluoro-heptanoic acid
PFOA	Perfluoro-octanoic acid
PFNA	Perfluoro-nananoic acid
PFDA	Perfluoro-decanoic acid
PFUdA	Perfluoro-undecanoic acid

43. In what amounts were PFAS detected?

Results from testing samples of fluorinated and non-fluorinated HDPE containers, both unused and containing a mosquito control pesticide product, were found to contain varying levels of PFAS. After completing a robust quality assurance and quality control process, EPA can confirm that it has detected eight different PFAS from the fluorinated HDPE containers, with levels ranging from

20-50 parts per billion. [HYPERLINK "https://www.epa.gov/pesticides/rinses-selected-fluorinated-and-non-fluorinated-hdpe-containers"].

54. What do we know about these PFAS chemicals?

EPA researchers are working to understand how exposure to PFAS may be harmful to people and to the environment. These studies allow the agency to better understand how harmful specific chemicals can be and help prioritize the agency's work to protect public health. To learn more about the concrete steps the Agency is taking to address PFAS and to protect public health, please read [HYPERLINK "https://www.epa.gov/pfas/epas-pfas-action-plan"].

EPA continues to compile and assess human and ecological toxicity information on PFAS to support risk management decisions. EPA continues to work on toxicity assessments for GenX chemicals and PFBS. EPA is also developing toxicity assessments through its Integrated Risk Information System (IRIS) Program for PFBA, PFHxA, PFHxS, PFNA, and PFDA. Draft IRIS assessments are expected in 2021, more information is available at [HYPERLINK "https://www.epa.gov/iris/iris-program-outlook"]

EPA is applying high-throughput toxicology testing to study the toxicity of the larger universe of PFAS. Laboratory and epidemiological studies on PFOA have shown the potential for adverse effects, such as developmental, thyroid, liver, and immune system effects and cancer.

65. Do we know to what degree long term storage or hot/cold storage conditions might affect the concentration of PFAS leaching?

EPA anticipates the length of time and the conditions under which the product was stored in fluorinated containers could affect the actual concentration of PFAS found in the product itself. EPA is planning to conduct a study to determine under what conditions, generally, PFAS compounds will leach from container walls into the pesticide products.

7. What consideration, if any, is being given to pesticide container recycling programs **in regard to** the fluorinated HDPE containers?

EPA has been in contact with the Ag Container Recycling Council. As more information becomes available, EPA will continue to work in collaboration with other federal entities to provide guidance to states and localities that may be affected by PFAS.

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86. Should people be concerned about the possibility of being exposed to PFAS from pesticide container contamination? What about other containers?

The PFAS detections in rinsate from the tested containers do not represent PFAS concentrations in the environment or human exposure to PFAS. While EPA is early in its investigation, the agency will use all available regulatory and non-regulatory tools to determine the scope of this emerging issue and its potential impact on human health and the environment.

97. When did EPA first learn of this contamination? What steps have been taken since initial PFAS discovery in the pesticide product?

On September 1, 2020, Public Employees for Environmental Responsibility (PEER) contacted the Massachusetts Reclamation Board, the Massachusetts Department of Agricultural Resources' (MDAR) Division of Pest Services, and other state agencies claiming that there were unspecified PFAS in a pesticide used for mosquito control. EPA Region 1 was notified that same day.

Since being notified, EPA has worked diligently in conjunction with the Massachusetts Department of Environmental Protection (MassDEP) to request samples of the pesticide product and analyze the identified product at different steps of production and manufacturing to determine whether PFAS are present, including issuing an information request to the pesticide registrant on October 5, 2020, seeking information on the affected pesticide's production, sales and distribution.

In December 2020, rinsates of used and unused fluorinated HDPE containers used to store and transport the pesticide product yielded results supporting that the source of contamination is associated with the fluorinated HDPE containers. EPA has been in close contact with MDAR, the pesticide registrant and the fluorinated HDPE container treatment company to discuss the issue, as well as to obtain the materials needed to test for PFAS in the product and the fluorinated HDPE containers.

On January 13, 2021, to minimize risks to human health and the environment, EPA asked states with existing stock of the mosquito product distributed in fluorinated HDPE containers to discontinue use and hold until its final disposition is determined. The pesticide manufacturer has notified all its customers regarding management of the product, voluntarily stopped shipments of all products in fluorinated HDPE containers and is now using non-fluorinated containers.

On January 14, 2021, EPA issued a TSCA subpoena to the company that fluorinates the containers supplied to the manufacturer of the pesticide in which PFAS was discovered to learn more about the fluorination process used on the HDPE containers.

EPA is aware that many companies are using fluorinated HDPE containers to store and distribute pesticide and other products. EPA is actively working with the Food and Drug Administration, the U.S. Department of Agriculture, and industry and trade organizations to raise awareness of this emerging issue and discuss expectations of product stewardship. For example, EPA is coordinating with the Ag Container Recycling Council, the American Chemistry Council, Crop Life America, the Household & Commercial Products Association, and the National Pest Management Association.

The agency is also testing different brands of fluorinated containers to determine whether they contain and/or leach PFAS, and if so, learn the conditions affecting leaching. EPA will present these findings as expeditiously as possible.

The agency is encouraging the pesticide industry to explore alternative packaging options, like steel drums or non-fluorinated HDPE.

10. What containers are being purchased off the open market for additional testing by EPA and are they the same level of fluorination as the initial container rinsate testing? If not, is there a reason similar containers are not being used to perform the leaching studies?

EPA has obtained fluorinated containers from different manufacturers and vendors from open market. We are exploring numerous brands of containers by different manufacturers and from different vendors which may be fluorinated by various fluorination operators. Some of the containers from several vendors are still back-ordered.

The lab is not testing similar containers as those used initially in the rinsate testing because it is unknown which containers are fluorinated by the same company as the containers that were initially tested.

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118. What should pesticide registrants do if they find PFAS in their production lines?

Under [HYPERLINK "https://www.epa.gov/pesticide-incidents/incident-reporting-pesticide-manufacturers-registrants"], pesticide registrants should report to EPA additional

factual information on unreasonable adverse effects, including metabolites, degradates, and impurities (such as PFAS). EPA considers any level of PFAS to be potentially toxicologically significant and may trigger 159.179(b) in the Code of Federal Regulations (CFR). Under [HYPERLINK "https://www.ecfr.gov/cgi-bin/text-idx?SID=680dff323249c84b0f88ddd044793a71&mc=true&node=pt40.24.159&rgn=div5"], 6(a)(2) information about impurities must be received by EPA no later than the 30th calendar day after the registrant first possesses or knows of the information.

In a shared interest to remove PFAS from the environment, if companies find PFAS in their product, they should notify EPA and take action to remove contaminated product. If product packaging is suspected as a source and you are considering replacing the packaging, please consult with EPA on data to be submitted for review prior to distribution of the pesticide product with the alternative packaging.

129. How is EPA coordinating with other federal partners to address this issue?

EPA is in close communication with the Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA) to understand the extent and significance of the PFAS contamination. As more information becomes available, EPA will continue to work in collaboration with other federal entities to provide guidance to states and localities that may be affected by PFAS.

13. EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products. Could an update be given on the effort to clean up the inert database?

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EPA continues to update its public-facing InertFinder database to remove legacy entries for chemicals that are not currently in use.

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130. Does EPA allow pesticide manufacturers to include PFAS in their formulations as inert ingredients which do not have to be reported?

No, EPA requires all inert ingredients in pesticide formulations to be reported as part of the Confidential Statement of Formula.

15. Do the data requirements for containers require information about fluorination to be submitted if containers are fluorinated?

Yes, EPA's storage and stability/corrosion characteristics data requirements require registrants to provide details on the type of container used to distribute the product commercially, which can include fluorinated High Density Polyethylene (HDPE) containers.

16. Do existing FIFRA container regulations address the use of fluorinated HDPE containers?

FIFRA pesticide container regulations do not specifically address the fluorination of plastic containers, i.e., the regulations do not require fluorination nor do they prohibit fluorination of plastic pesticide containers. However, some of the Department of Transportation requirements that are referred to and adopted in the pesticide container regulations may impact a pesticide manufacturer's decision to fluorinate containers. Discussions with the regulated industry are needed to better understand the impact of certain container requirements on a company's determination about whether fluorinated containers are needed.

17. How will EPA keep the public informed as more information becomes available?

Along with keeping close communication with federal entities, states and localities, EPA will post updates on this webpage as the issue evolves. For any stakeholder questions regarding this issue not covered in this FAQ, you are welcome to contact EPA at [HYPERLINK "mailto:pesticidepackaging@epa.gov"]. For any media inquiries, please email [HYPERLINK "mailto:press@epa.gov"].

Information for States

1. What advice should states and local mosquito control districts follow for making their purchasing decisions now?

States and local mosquito control districts are encouraged to contact their pesticide suppliers if there are questions about potential for PFAS in pesticide products they have purchased or intend to purchase. As the issue evolves, EPA will continue to communicate its findings to the states.

2. What are the alternatives to Anvil 10+10 for mosquito spray, and are the alternative pesticide products stored the same way?

Anvil 10+10 is one of many adulticides registered for use in public health mosquito control programs. Mosquitos pose a significant public health threat and can transmit serious diseases and viruses such as malaria, dengue virus, Zika and West Nile virus, which can lead to disabling and potentially deadly effects (such as encephalitis, meningitis and microcephaly). EPA and the Centers for Disease Control and Prevention (CDC) work closely with each other and with other federal, state, and local agencies to protect the public from mosquito-borne diseases. [HYPERLINK "https://www.epa.gov/mosquitocontrol"].

Flourinated polyethylene and HDPE are used for numerous applications such as food packaging and containers for chemical storage, including pesticides. This is the first time that EPA has been aware of flourinated HDPE container use as a potential source of PFAS contamination in a pesticide. 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.

3. What should states and others do with existing stock of Anvil 10+10?

To minimize risks to public health and the environment, EPA asked states with existing stock of the mosquito product distributed in HDPE containers to discontinue use and contact the manufacturer about their product exchange program.

4. Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?

EPA will respond to any additional PFAS supply-chain contamination issues on a case-by-case basis. For example, EPA worked with the mosquito product manufacturer to remove contaminated product from the supply chain.

5. Will there be a similar response from EPA regarding Permanone 30-30?

EPA has received the letter and data from PEER on Permanone 30-30 and is reviewing as part of the agency's ongoing efforts to investigate PFAS contamination in pesticide products. EPA is committed to taking action to better understand and ultimately reduce the potential risks caused by these chemicals, including how to address PFAS contamination. EPA's actions to address these chemicals will be underpinned by science and will support the agency's efforts to develop effective regulation and provide improved public health protections for all Americans. EPA continues to work closely with the entities involved and their supply and distribution chains, mosquito control districts, the pesticide and

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packaging industry, federal partners, states, and tribes that may be affected to provide information and guidance on next steps. The agency is encouraging the pesticide industry to explore alternative packaging options. EPA understands the need to provide guidance to states, tribes, and other users as they prepare to purchase mosquito control products for 2021 and will provide more information as it continues its investigation.

6. Are there continued considerations being given regarding **State Lead Agency** laboratories providing analytical support? If so, what are they?

EPA is actively communicating with state partners and their laboratories. For state laboratories that are interested in sharing samples, we encourage them to reach out to the BEAD/Ft. Meade lab to discuss laboratory equipment requirements.

For any stakeholder questions regarding this issue not covered in this FAQ, you are welcome to contact EPA at [HYPERLINK "mailto:pesticidepackaging@epa.gov"]. For any media inquiries, please email [HYPERLINK "mailto:press@epa.gov."].

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Message

From: Fertich, Elizabeth [fertich.elizabeth@epa.gov]
Sent: 3/30/2021 2:44:26 PM
To: Saunders, Jennifer [Saunders.Jennifer@epa.gov]
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

The ID for noviflumuron published 5/1/2018.

https://www.regulations.gov/document/EPA-HQ-OPP-2014-0566-0018

Elizabeth Fertich
US Environmental Protection Agency
Office of Pesticide Programs
Registration Division (7505P)
Invertebrate and Vertebrate Branch 1 (IVB1)
Product Manager 4
fertich.elizabeth@epa.gov
703-347-8560

From: Saunders, Jennifer <Saunders.Jennifer@epa.gov>
Sent: Monday, March 29, 2021 1:09 PM
To: Fertich, Elizabeth <fertich.elizabeth@epa.gov>
Subject: FW: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hey Beth, anything we can say for #5 below on noviflumuron? Is it in reg review? Etc? Thanks!

From: Leifer, Kerry <Leifer.Kerry@epa.gov>
Sent: Monday, March 29, 2021 1:03 PM
To: Lara, Rhina <Lara.Rhina@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Giles-Parker, Cynthia <Giles-Parker.Cynthia@epa.gov>; Saunders, Jennifer <Saunders.Jennifer@epa.gov>; Laws, Meredith <Laws.Meredith@epa.gov>; Johnson, Marion <Johnson.Marion@epa.gov>
Subject: RE: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM

Hi Rhina,

Questions 3 and 4 are related to the EPA CompTox Chemicals Dashboard, which is a project of the Center for Computational Toxicology and Exposure/ORD. I would think they would be in the best position to answer those questions.

I am trying to track down the registration status of lufenuron, noviflumuron, tetraconazole, and pyrifluquinazon but my OPPIN connection is spotty right now. I know tetraconazole is one of the Fungicide Branch's chemicals and the other three chemicals are all insecticides so they would be in one of the RD IVB's. I've copied the FB and the three IVB Branch Chiefs on this message.

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: Lara, Rhina
Sent: Monday, March 29, 2021 11:48 AM
To: Aubee, Catherine <Aubee.Catherine@epa.gov>
Cc: Leifer, Kerry <Leifer.Kerry@epa.gov>
Subject: PFAS in Pesticide Packaging Inquiry: MN Dept of Ag, DDL 3/30 1 PM
Importance: High

Hi Catherine and Kerry,

We received an inquiry through the PFAS in Pesticide Packaging inbox regarding certain active ingredients in pesticides (Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon) and whether they are considered PFAS. I tried to answer two of the questions using some of our previously approved responses, but will need your help in answering the others. We don't have a strict deadline on these, but would like to have an answer prepped by Wednesday morning.

Here is the incoming message:

I am Raj Mann, Section Manager for the Pesticide Non-point Section at the Minnesota Department of Agriculture. I have few questions regarding PFAS chemicals and pesticide active ingredients.
In our last call on March 5, EPA confirmed that no PFAS chemicals are registered as pesticides. However, while reading more about these chemicals, I came across the following EPA webpage which hosts a master list of PFAS chemicals: https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster. Several pesticide active ingredients appear in the PFAS master list, including Lufenuron, Noviflumuron, Tetraconazole, and Pyrifluquinazon. The reason for the inclusion of these pesticide active ingredients is unclear beyond the fact that they contain fluorine atoms. The webpage states that there is no clear definition of PFAS chemicals (see excerpt below).

> *"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)."*

My questions are as follows:

1. Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?
2. Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.
3. How is this master list created?
4. Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?
5. Are there any known potential concerns about these pesticide active ingredients?

Response:

1. ***Given that EPA has maintained that no PFAS chemicals are registered as pesticide active ingredients, why are some pesticide active ingredients included in this master list?***

Each pesticide product submitted for registration is evaluated considering all the ingredients in the product, including both active and inert ingredients. The pesticide active ingredients included in the PFAS master list are included due to their fluorinated structures. However, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

2. ***Is the EPA's conclusion that no pesticide active ingredients are PFAS based on a different definition? If so, what definition is being used.***

There are numerous definitions of PFAS, some which are quite broad and include any "man-made chemical with at least one fully fluorinated carbon atom." Regardless of chemical structure, ingredients in pesticide products are subject to a risk assessment process prior to approval. While some pesticide chemicals have fluorinated structures, currently registered pesticides do not contain ingredients that have structures or properties comparable to prominent PFAS.

3. ***How is this master list created?***

4. ***Do these pesticides qualify as PFAS or are they included only because researchers have interest in them?***

5. ***Are there any known potential concerns about these pesticide active ingredients?***

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

Message

From: ONeill, Sandra [ONeill.Sandra@epa.gov]
Sent: 4/7/2021 1:17:14 AM
To: Messina, Edward [Messina.Edward@epa.gov]
CC: Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Hopkins, Yvette [Hopkins.Yvette@epa.gov]
Subject: SFIREG JWC Mtg: Dicamba Speaker and Questions for EPA
Attachments: POM.EQI April 2021 Draft Agenda 4.1.2021.docx

Hi Ed,

At next week's SFIREG Joint Work Committee meeting, dicamba is again a topic and SFIREG has submitted some 24© questions for EPA to address in this session (see below). In response, RD has provided some points from Michal's AAPCO session on this topic (also below) and I'm following up to see if you might be interested/available to cover the points and discussion for which there may not be easy answers.

The dicamba session will be from 12-1 PM on April 12th. The forum is public though for this or future meetings, SFIREG has indicated they'd be open to having a closed door session if more information is able to be provided in a closed door session.

SFIREG Questions: "During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.
    - If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
    - Will this depend on further lawsuits, incidents in the 2021 growing season, etc..."

Points from Michal's AAPCO session

- Correct, restrictive registrations are a "no" under 24(c).
- It's incorrect that registrations expanding uses are a "no" for 24(c)s. However, in the case of dicamba specifically, EPA is interested in establishing a baseline of data from the 2021 growing season on dicamba's performance when the requirements of the Oct. 2020 federal labels are followed.
- Re. incidents, EPA continues to monitor dicamba's track record and requires registrants to submit incident data in accordance with the terms and conditions of registration for their products. EPA also encourages states to continue to communicate their incident findings on dicamba to the Agency.
- Re. litigation, EPA does not know what stance courts may reach on pending dicamba actions, but the Agency will comply as required by law with any legal decision(s).

Thanks in advance for your thoughts on an approach forward.

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Friday, April 2, 2021 2:54 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra – while I think Meg super skilled at these type of meetings – Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Friday, April 2, 2021 2:37 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Meg – thanks for this. We've got an updated draft agenda (attached) from SFIREG and the dicamba session will occur on April 12 from 12 – 1 PM. Seems like the points for this session might be well in hand with the info. from below.

Might you be the right person to list as speaker for this session? If so, I can send a scheduler with the meeting info. to hold this place on your or the appropriate person's calendar(s).

Thanks in advance for any info. and a happy Friday to all!

Best,

Sandra O'Neill
919 323 7926

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, March 31, 2021 4:03 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Sandra:

Regarding the dicamba questions, I welcome input from Dan and Marietta but it seems to me that OPP would reiterate for SFIREG some of the talking points Michal made re. 24cs at the recent AAPCO meeting. Namely:

- Correct, restrictive registrations are a "no" under 24(c).
- It's incorrect that registrations expanding uses are a "no" for 24(c)s. However, in the case of dicamba specifically, EPA is interested in establishing a baseline of data from the 2021 growing season on dicamba's performance when the requirements of the Oct. 2020 federal labels are followed.
- Re. incidents, EPA continues to monitor dicamba's track record and requires registrants to submit incident data in accordance with the terms and conditions of registration for their products. EPA also encourages states to continue to communicate their incident findings on dicamba to the Agency.
- Re. litigation, EPA does not know what stance courts may reach on pending dicamba actions, but the Agency will comply as required by law with any legal decision(s).

Meg

From: ONeill, Sandra <ONeill.Sandra@epa.gov>
Sent: Wednesday, March 31, 2021 1:53 PM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Qian, Yaorong <qian.yaorong@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>
Subject: SFIREG JWC Mtg: PFAS & Dicamba Questions for EPA

Hi Kimberly, Marietta, Dan and all

As a follow-up to the 3/10 SFIREG Joint Working Committee walk-through meeting, SFIREG has sent questions for the PFAS and Dicamba sessions (SFIREG JWC to take place April 12-13). We've informed SFIREG that EPA goes through clearance processes for questions submitted in advance, and these may not have arrived in time to get senior level clearance. If that's the case for these questions, may be good to plan for a back pocket response appropriate for a public meeting, offering a full response at a later time to give time for clearances.

FYI: We have not yet received an updated agenda from SFIREG. We've also passed on Pentachlorophenol questions to AD.

Please let me know if you may have any questions/comments on the submitted questions and I'll coordinate with SFIREG.

Many thanks,

Sandra O'Neill
AAPCO/SFIREG Project Officer and EPA Region and State Liaison
Environmental Protection Agency
Office of Chemical Safety and Pollution Prevention
Office of Program Support
Mission Support Division
Intergovernmental & Community Relations Branch
919 323 7926

From: Rogers, Jeffrey <jeffrey.rogers@vdacs.virginia.gov>
Sent: Wednesday, March 31, 2021 1:00 PM
To: ONeill, Sandra <ONeill.Sandra@epa.gov>
Cc: Leach, Carrie A <leach13@purdue.edu>; GBahr@agr.wa.gov; aapco.sfireg <aapco.sfireg@gmail.com>
Subject: JWC Mtg: PFAS, Pentachlorophenol & Dicamba Questions for EPA

Good Afternoon Sandra,
As per your request, I have included a few of the questions the JWCs would like to have addressed by EPA, if possible. I apologize for the delay, I hope there is still time for the appropriate people to be able to get the appropriate approvals from senior staff. Many thanks to Gary and Carrie for pulling this off.

PFAS

During the joint session on Monday, could EPA address the following:

- What is the definition of a PFAS compound in the context of pesticides?
- Mixed messages between the Ft. Meade lab stating they need more data to draw any conclusions regarding PFAS coming from the container vs. action being taken on the containers and targeting them as the source of the PFAS
- What containers are being purchased off the open market for additional testing by BEAD/Ft. Meade and are they the same level of fluorination as the initial container rinsate testing?
- If not, is there reason similar containers are not being used to perform the leaching studies?
- According to the EPA PFAS Master List, comprising a master list of PFAS chemicals, https://comptox.epa.gov/dashboard/chemical_lists/pfasmaster several pesticide active ingredients such as Lufenuron, Noviflumuron, Tetraconazole, Pyrifluquinazon are listed as PFAS chemicals, however the webpage states that there is no clear definition of PFAS chemical. An excerpt from the webpage :"There is no precisely clear definition of what constitutes a PFAS substance given the inclusion of partially fluorinated substances, polymers, and ill-defined reaction products on these various lists. Hence, PFASMASTER serves as a consolidated list of substances spanning and bounded by the below lists, defining a practical boundary of PFAS chemical space (within DSSTox) of current interest to researchers and regulators worldwide. This PFAS Master List will continue to expand as component lists grow. (Last Updated: September 16th 2020)". Are the active ingredients listed actually PFAS chemicals?
- EPA has indicated a "clean up" of PFAS in the Pesticide Inert Finder database as the database includes some PFAS compounds. EPA further indicated that even though these compounds were listed, they do not occur in currently registered pesticide products (this was information relayed in a presentation to Massachusetts mosquito control districts earlier this year). Could an update be given on the effort to clean up the inert database?
- What should be done with remaining stocks of Anvil 10+10? Can more information be provided on the registrant's response?
- Will there be a similar response from EPA regarding Permanone 30-30?
- Other than Anvil 10+10, what other packaging/products are affected, including those that may go beyond the agrochemical industry such as in the food industry or homeowner products? Can a list be provided?
- Will affected products be placed under Stop Sale/Stop Use by EPA or State Lead Agencies?
- Is there a Safety Data Sheet (SDS) for the packaging?
- If PFAS contamination is confirmed to be linked to the fluorination process, what are the alternatives to fluorination or alternative types of rigid containers available to the agrochemical industry?
- After Anvil 10+10 is properly mixed (diluting the concentrate) and applied at the maximum label rate, what level of PFAS is making it into the environment?
- Will there be a foreseeable interruption in supply and inventory if the science leads to a change in fluorinated HDPE containers?
- What are the positions of other governments and trade partners, including Canada, Mexico, and the European Union, on PFAS? Are levels of concern or action levels established in other countries?
- What will this mean for export/import of agrichemical products? What will this mean for the import/export of agricultural crops that were treated with agrichemicals stored in fluorinated HDPE packaging?
- Are there continued considerations being given regarding SLA laboratories providing analytical support? If so, what are they?

- What consideration, if any , is being given to pesticide container recycling programs in regards to the fluorinated HDPE containers?

During the EQI breakout on Tuesday, the committee would like to continue discussions and address some additional topics:

- Methods used for determination. Will BEAD be sharing their validated methods with states?
- EPA Methods 537.1 and 533 are established and being used with some differences between them. What methodology would be appropriate for testing?

Pentachlorophenol

During the joint session on Tuesday, could EPA address the following:

- Discussion on the action proposed in the March 5, 2021 notice,
- Cancellation and phase out plans,
- What kind of comments are they looking for by May 5th,
- Time table for the phase-out and continued use of stockpiled material,
- Dealing with treated wood products that are in the chain of sale or commerce,
- Future commercial uses of existing or newer pentachlorophenol replacements
- Are the replacements more effective and sustainable,
- Some alternatives such as DCOIT are being utilized extensively, and will increase, according to EPA's pesticides wood preservatives page: https://www.epa.gov/ingredients-used-pesticide-products/overview-wood-preservative-chemicals#newerwood
    - isothiazolinones can be used as wood preservatives.
        - The most common of these is DCOIT (3(2H)-isothiazolone, 4,5-dichloro-2-octyl), which was first registered in 1996 as a wood preservative for use via pressure treatment, for sapstain protection, and in millwork applications.
            - In 2018, it was also approved for use in utility poles. Further information is available in docket EPA-HQ-OPP-2014-0403.
        - OIT (2-n-octyl-4-isothiazolin-3-one), another isothiazolone, is used as a sapstain wood preservative. Information on OIT is available in docket EPA-HQ-OPP-2014-0160.
        - A mixture of the isothiazolones MIT (2-methyl-4-isothiazoline-3-one) and CMIT (5-chloro-2-methyl-4-isothiazoline-3-one) is used in pressure treatment of wood. Further information is available in docket EPA-HQ-OPP-2013-0605.
- What environmental and human health information does EPA have on compounds like DCOIT, OIT, MIT, CMIT,
- These are registered under FIFRA, and what data exists to be able to generate some aquatic life and/or human health benchmarks.
- How are these alternatives safer for human exposure and environmental and aquatic impacts,
- Is there toxicity testing that has been done for these replacements, and is that data available,
- Industry material safety data sheets indicate that certain compounds are highly acutely toxic to fish and other aquatic organisms,
- There are no EPA aquatic life benchmarks for DCOIT and related compounds,
- NPDES permitting and municipal storm water leaders are asking SLAs for direction and information on these issues for the projected changes with these chemicals,

Dicamba

During the joint session on Monday, when EPA is providing an update (lawsuits, etc..) could they address the following as it relates to 24(c) registrations.

- For many years states used 24(c) registrations to meet local needs with success. When over-the-top uses of dicamba began to cause problems SLAs attempted to tailor use of the material to meet their local

needs again with 24(c) however in 2020 the Agency made clear that section 24(c) of FIFRA was to be used to expand use and not be more restrictive; these registration which are found to be more restrictive would be disapproved. Now in 2021, there are states interested in expanding the use for a period of time after the cutoff (because they feel it may be arbitrary given the season/weather in their part of the country) which on first glance seems to comport with the law and authority available to states under this provision of FIFRA, however that was denied as well.

- If restrictive registrations are a "no" and registrations adding uses are a "no" what does "yes" look like and when might we see it?
- Will this depend on further lawsuits, incidents in the 2021 growing season, etc...

I am sure there is more that I am missing but this should be a good start for the discussions.
Thanks
-Jeff

Jeffrey Rogers

Environmental Program Planner | VA Department of Agriculture and Consumer Services
804.371.6561 (office) | 804.786.9149 (fax) | www.vdacs.virginia.gov/pesticides.shtml

Message

From: Freedhoff, Michal [Freedhoff.Michal@epa.gov]
Sent: 5/19/2021 9:06:47 PM
To: Hartman, Mark [Hartman.Mark@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: Michal QFRs
Attachments: Freedhoff QFRs v2.docx

Michal Freedhoff, Ph.D.
Principal Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Freedhoff.michal@epa.gov

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 6/28/2021 10:30:25 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Garcia, Beth [garcia.beth@epa.gov]
Subject: FW: Slides for RDD Meeting
Attachments: Session 2 OPP_OECA Updates outline.docx; RDD Meeting - Program Updates_Ed Messina_6-29-21.MG.pptx

Thanks for the comments Mike.

Ed – I'll check with AD on the latest list N numbers. See the comments in your draft.

I've copied Beth because she's waiting to get a final copy of your slides.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Sunday, June 27, 2021 9:45 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Slides for RDD Meeting

Darlene – nice job adding some of the comms info – very helpful
Ed - a few comments to consider.

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)

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Wednesday, June 23, 2021 12:11 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Slides for RDD Meeting

Just want to make sure you got this email below since I sent it a little late yesterday.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Dinkins, Darlene
Sent: Tuesday, June 22, 2021 6:27 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Slides for RDD Meeting

Ed,

Here are your draft slides for the RDD meeting next week (I also attached the agenda). I used Mike's slides from his talk during the Pesticide Managers Meeting last week. I also added the language highlighted red from Shamus below. Some of her information was already included in the deck. **Ex. 5 Deliberative Process (DP)** **Ex. 5 Deliberative Process (DP)** You're scheduled to talk for 20 minutes, so I tried to keep it close to 20 slides (I cut out some from Mike's original deck). Let me know if you want to include it and if you have any edits, comments or suggested additions.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Tuesday, June 22, 2021 2:28 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: OCSPP/Regional Division Directors Summer National Meeting-June 29-30: Draft Agenda + Teams

Hi Mike and Darlene,

Here are some TPs for the listed topics. Please let me know if you need anything else.

Thanks,
Shamus

Dicamba:

- In October 2020, EPA issued 5-year, time-limited registrations of dicamba for use on Dicamba Tolerant (DT) cotton and soybeans of two pesticide products, and similarly amended one existing registration based on a robust set of new data and input from, and collaboration with, state regulators, farmers, academics, pesticide manufacturers, and other stakeholders.
- All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.
- Since the 2020 registration decision, several states have tried to utilize FIFRA section 24(c) to register additional uses of over-the-top dicamba products to meet special local needs within their state.
- However, at this time, EPA has determined that there is insufficient information available to demonstrate that control measures less restrictive than the 2020 control measures are equally protective.
- EPA issued its 2020 decision after a court vacated an earlier 2018 decision, finding that EPA substantially understated the risks that it acknowledged, and that EPA entirely failed to acknowledge other risks.
- Additionally, EPA's Office of the Inspector General recently found that there was political interference in the 2018 dicamba decision and that the conclusions and concerns of career staff scientists were ignored.

- EPA's 2020 decision is supported by EPA's career scientists, and includes measures that are protective of the environment, and responsive to the previous court decision.
- EPA looks forward to continuing to work with our state partners to collect data on the effectiveness of EPA's new risk control measures that are being implemented for the first time in the 2021 growing season.

Section 18:

- Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes EPA to exempt state and federal agencies from provisions of FIFRA and allow unregistered uses of pesticides to address emergency conditions.
- EPA has authorized several emergency exemptions to help address the COVID-19 public health emergency.
- In April 2021, EPA issued emergency exemptions to Georgia, Minnesota, and Utah allowing the use of BIAXAM, a supplemental residual surface coating, in Delta Air Lines planes and facilities in those three states.
- In June 2021, EPA issued emergency exemptions for the states of Maryland, Nevada, Pennsylvania, and Texas allowing them to use Grignard Pure, an antiviral indoor air treatment. Previously, EPA issued emergency exemptions to Georgia and Tennessee allowing them to use Grignard Pure in health care facilities, intrastate transportation, food processing facilities, and indoor spaces within buildings—including government facilities—where people are conducting activity deemed essential by the state.

Ex. 5 Deliberative Process (DP)

- EPA's revocation decision reflects the evolving nature of science during emergency situations. As is the case with all emergency exemptions, EPA is committed to evolving with the science and revisiting its earlier decisions in light of new information.
- Since recent information from CDC notes that the risk of being infected with COVID-19 by touching contaminated surfaces is considered low, EPA is no longer prioritizing Public Health Emergency requests for new products that address surface transmission of SARS-CoV-2.
- EPA will continue to follow the evolving science of the pandemic by shifting resources to the evaluation of novel products, such as those that kill airborne SARS-CoV-2, and to meeting critical deadlines in the registration and review of all pesticide products within its purview.

PFAS in Pesticide Packaging: [need others to cover PFAS Proposed Rule & Requirements, PFAS Agency Workgroup]

- HQ Response
  - As EPA continues to uphold its mission of protecting human health and the environment, proactively addressing PFAS remains a major priority across the Agency.
  - Since first becoming aware of the issue last fall in Region 1, EPA has been working diligently to investigate the contamination, test fluorinated and non-fluorinated pesticide containers, test pesticide products, and determine conditions affecting leaching.
  - EPA has been in close communication with other federal entities and a variety of stakeholders, including industry and trade organizations to raise awareness of this emerging issue and discuss expectations of product stewardship.
  - The agency remains committed to using all available regulatory and non-regulatory tools to determine the scope of this emerging issue and its potential impact on human health and the environment.
- Lab Activities
  - The BEAD laboratory at Ft. Meade has taken the lead in conducting the research into this issue. Through thorough testing and a robust quality assurance and quality control

process, data showed that fluorinated HDPE containers used to store and transport the pesticide product were the source of PFAS contamination.
    - Since that determination, the lab has been hard at work in testing different brands of fluorinated containers to determine whether they contain and/or leach PFAS, and if so, learn the conditions affecting leaching.
    - The lab has also been responsive to other emerging PFAS in pesticides issues across other regions, such as the PEER report on Permanone 30-30, and has been collecting pesticide samples so we can conduct our own testing.
    - I am pleased to share that the lab has also made great strides in developing a method to test for PFAS in oily matrices, which will allow other laboratories to conduct their own testing and support us as we uncover possible contamination from fluorinated containers in the market.

- PFAS Definition
    - One area that has been a challenge was harmonizing our definition of what constitutes a PFAS across the agency.
    - We worked together with our sister offices to come to a consensus about what the definition of a PFAS compound is in the context of pesticides.
    - As you know, pesticides undergo a rigorous scientific assessment process prior to registration, and we evaluate chemical-specific data to ensure that pesticides can be used safely without unreasonable adverse effects to human health and the environment.
    - We were confident in our determination that there were no pesticide active or inert ingredients with structures similar to prominent PFAS such as PFOS, GenX, and PFOA.
    - The emergence of the issue of PFAS in pesticides has caused us to further evaluate structures using the latest working definition from the Office of Pollution Prevention and Toxics or OPPT.
    - OPPT's working definition when identifying PFAS on the TSCA Inventory is a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).
    - Under FIFRA Section 6(a)(2), pesticide registrants should report to EPA additional factual information on unreasonable adverse effects, including metabolites, degradates, and impurities (such as PFAS).
    - EPA considers any level of PFAS to be potentially toxicologically significant and may trigger 159.179(b) in the Code of Federal Regulations (CFR).
- Next Steps
    - We will continue to keep you informed on this issue and share any information expeditiously. We are actively communicating with state and regional partners and their laboratories.
    - We encourage you to reach out to us if you are interested in providing laboratory support or have information that can help us as we continue our investigation.
    - We appreciate all the help and interest from the several regions that have been affected and are pleased to collaborate on uncovering the many layers to this issue.

<u>Chlorpyrifos</u>: [desk statement]

- EPA intends to act in accordance with the Court's April 29th decision and is determining its next steps, which could include revoking or modifying some or all tolerances and cancelling some or all food uses. As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to helping to support and protect farmworkers and their families while making certain that pesticides are used appropriately among the nation's agriculture. EPA will ensure sound science leads the decision-making process under federal pesticide laws.

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, June 21, 2021 11:45 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Layne, Arnold <Layne.Arnold@epa.gov>; Carlisle, Sharon <Carlisle.Sharon@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Pease, Anita <Pease.Anita@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Smith, Charles <Smith.Charles@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>
Subject: FW: OCSPP/Regional Division Directors Summer National Meeting-June 29-30: Draft Agenda + Teams

Looks like I am on the agenda for the RDD meeting for next week to talk about Registration review and PFAS. Could use some TPs and/or Desk Statements.

- OPP
  - Registration Review Updates
    - Specific Chemical Updates
  - Chlorpyrifos
  - Dicamba
  - Section 18

Objective: Multi-Program PFAS Update
- Case study- Region 1
- HQ Response
  - Lab Activities
  - PFAS Agency Workgroup
  - PFAS Definition
  - PFAS Proposed Rule & Requirements
- Next steps

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: Garcia, Beth <garcia.beth@epa.gov>
Sent: Monday, June 21, 2021 11:21 AM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Mayes, Desmond <Mayes.Desmond@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>
Cc: Anderson, Monique <anderson.monique@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Diaz, Catherine <Diaz.Catherine@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Dawson, Jeffrey <Dawson.Jeff@epa.gov>; Tomassoni, Guy <Tomassoni.Guy@epa.gov>; Richmond, Jonah <Richmond.Jonah@epa.gov>; Carlisle, Sharon

<Carlisle.Sharon@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; DeBell, Kevin <debell.kevin@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Barber, Delores <barber.delores@epa.gov>; Syed, Hamaad <Syed.Hamaad@epa.gov>; Burns, Mike <Burns.Mike@epa.gov>; Katz, Brian <Katz.Brian@epa.gov>; Kapust, Edna <Kapust.Edna@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; Picone, Kaitlin <Picone.Kaitlin@epa.gov>; ONeill, Sandra <ONeill.Sandra@epa.gov>; Wire, Cindy <Wire.Cindy@epa.gov>; Hopkins, Yvette <Hopkins.Yvette@epa.gov>; Walsh, Linsey <Walsh.Linsey@epa.gov>; LaPointe, Loren <LaPointe.Loren@epa.gov>; Hauff, Amanda <Hauff.Amanda@epa.gov>; Ricciardi, Rachel <Ricciardi.Rachel@epa.gov>; Ryan, Emily <ryan.emily@epa.gov>; Buster, Pamela <Buster.Pamela@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Lloyd, Matthew <Lloyd.Matthew@epa.gov>; Pease, Anita <Pease.Anita@epa.gov>; Weiss, Steven <Weiss.Steven@epa.gov>; Isbell, Diane <Isbell.Diane@epa.gov>; Miederhoff, Eric <Miederhoff.Eric@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Willis, Kristen <Willis.Kristen@epa.gov>; Smith, Charles <Smith.Charles@epa.gov>; Overstreet, Anne <overstreet.anne@epa.gov>; Ellis, Frank <Ellis.Frank@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>; Nguyen, Thuy <Nguyen.Thuy@epa.gov>; Widawsky, David <Widawsky.David@epa.gov>; Reisman, Larry <Reisman.Larry@epa.gov>; Tillman, Thomas <Tillman.Thomas@epa.gov>; Devito, Steve <Devito.Steve@epa.gov>; Helfgott, Daniel <Helfgott.Daniel@epa.gov>; Davies, Clive <Davies.Clive@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Wallace, Ryan <Wallace.Ryan@epa.gov>; Mottley, Tanya <Mottley.Tanya@epa.gov>; Symmes, Brian <Symmes.Brian@epa.gov>; Canavan, Sheila <Canavan.Sheila@epa.gov>; Price, Michelle <Price.Michelle@epa.gov>; Edmonds, Marc <Edmonds.Marc@epa.gov>; Wilson, Mike <Wilson.Mike@epa.gov>; Winchester, Erik <Winchester.Erik@epa.gov>; Courtnage, Robert <Courtnage.Robert@EPA.GOV>; Myrick, Pamela <Myrick.Pamela@epa.gov>; Richardson, Vickie <Richardson.Vickie@epa.gov>; Shannon, Julie <Shannon.Julie@EPA.GOV>; Kohn, Jeffrey <Kohn.Jeffrey@epa.gov>
Subject: OCSPP/Regional Division Directors Summer National Meeting-June 29-30: Draft Agenda + Teams

Greetings:

Here's the draft agenda for the OCSPP/RDD Summer National Meeting on June 29-30, 2021. I anticipate the agenda will be updated as I receive additional feedback from session leaders.

To see the agenda and meeting materials in real time, check out the Team site, click on the General tab and then Files to see the Agenda or click on session tabs. If you need access to the Teams site, please send a request and I'll approve it.

Please let me know if you have any questions.

Sincerely,
Beth

Beth Garcia
Office of Chemical Safety & Pollution Prevention
Lead Region Coordinator
U.S. EPA Region 3 | Philadelphia, PA
(215) 814-5243 | garcia.beth@epa.gov

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U.S. EPA Region 3 | Philadelphia, PA
(215) 814-5243 | garcia.beth@epa.gov

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 6/23/2021 4:10:53 PM
To: Messina, Edward [Messina.Edward@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: FW: Slides for RDD Meeting
Attachments: RDD Meeting - Program Updates_Ed Messina_6-29-21.pptx; Session 2 OPP_OECA Updates outline.docx

Just want to make sure you got this email below since I sent it a little late yesterday.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Dinkins, Darlene
Sent: Tuesday, June 22, 2021 6:27 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Slides for RDD Meeting

Ed,

Here are your draft slides for the RDD meeting next week (I also attached the agenda). I used Mike's slides from his talk during the Pesticide Managers Meeting last week. I also added the language highlighted red from Shamus below. Some of her information was already included in the deck. Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) You're scheduled to talk for 20 minutes, so I tried to keep it close to 20 slides (I cut out some from Mike's original deck). Let me know if you want to include it and if you have any edits, comments or suggested additions.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Ozmen, Shamus <Ozmen.Shamus@epa.gov>
Sent: Tuesday, June 22, 2021 2:28 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: OCSPP/Regional Division Directors Summer National Meeting-June 29-30: Draft Agenda + Teams

Hi Mike and Darlene,

Here are some TPs for the listed topics. Please let me know if you need anything else.

Thanks,
Shamus

Dicamba:

- In October 2020, EPA issued 5-year, time-limited registrations of dicamba for use on Dicamba Tolerant (DT) cotton and soybeans of two pesticide products, and similarly amended one existing registration based on a robust set of new data and input from, and collaboration with, state regulators, farmers, academics, pesticide manufacturers, and other stakeholders.
- All three registrations include new control measures to ensure these products can be used effectively while protecting the environment, including non-target plants, animals, and other crops not tolerant to dicamba.
- Since the 2020 registration decision, several states have tried to utilize FIFRA section 24(c) to register additional uses of over-the-top dicamba products to meet special local needs within their state.
- However, at this time, EPA has determined that there is insufficient information available to demonstrate that control measures less restrictive than the 2020 control measures are equally protective.
- EPA issued its 2020 decision after a court vacated an earlier 2018 decision, finding that EPA substantially understated the risks that it acknowledged, and that EPA entirely failed to acknowledge other risks.
- Additionally, EPA's Office of the Inspector General recently found that there was political interference in the 2018 dicamba decision and that the conclusions and concerns of career staff scientists were ignored.
- EPA's 2020 decision is supported by EPA's career scientists, and includes measures that are protective of the environment, and responsive to the previous court decision.
- EPA looks forward to continuing to work with our state partners to collect data on the effectiveness of EPA's new risk control measures that are being implemented for the first time in the 2021 growing season.

Section 18:

- Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes EPA to exempt state and federal agencies from provisions of FIFRA and allow unregistered uses of pesticides to address emergency conditions.
- EPA has authorized several emergency exemptions to help address the COVID-19 public health emergency.
- In April 2021, EPA issued emergency exemptions to Georgia, Minnesota, and Utah allowing the use of BIAXAM, a supplemental residual surface coating, in Delta Air Lines planes and facilities in those three states.
- In June 2021, EPA issued emergency exemptions for the states of Maryland, Nevada, Pennsylvania, and Texas allowing them to use Grignard Pure, an antiviral indoor air treatment. Previously, EPA issued emergency exemptions to Georgia and Tennessee allowing them to use Grignard Pure in health care facilities, intrastate transportation, food processing facilities, and indoor spaces within buildings—including government facilities—where people are conducting activity deemed essential by the state.

Ex. 5 Deliberative Process (DP)

- EPA's revocation decision reflects the evolving nature of science during emergency situations. As is the case with all emergency exemptions, EPA is committed to evolving with the science and revisiting its earlier decisions in light of new information.
- Since recent information from CDC notes that the risk of being infected with COVID-19 by touching contaminated surfaces is considered low, EPA is no longer prioritizing Public Health Emergency requests for new products that address surface transmission of SARS-CoV-2.
- EPA will continue to follow the evolving science of the pandemic by shifting resources to the evaluation of novel products, such as those that kill airborne SARS-CoV-2, and to meeting critical deadlines in the registration and review of all pesticide products within its purview.

PFAS in Pesticide Packaging: [need others to cover PFAS Proposed Rule & Requirements, PFAS Agency Workgroup]

- HQ Response

- As EPA continues to uphold its mission of protecting human health and the environment, proactively addressing PFAS remains a major priority across the Agency.
- Since first becoming aware of the issue last fall in Region 1, EPA has been working diligently to investigate the contamination, test fluorinated and non-fluorinated pesticide containers, test pesticide products, and determine conditions affecting leaching.
- EPA has been in close communication with other federal entities and a variety of stakeholders, including industry and trade organizations to raise awareness of this emerging issue and discuss expectations of product stewardship.
- The agency remains committed to using all available regulatory and non-regulatory tools to determine the scope of this emerging issue and its potential impact on human health and the environment.

- Lab Activities
  - The BEAD laboratory at Ft. Meade has taken the lead in conducting the research into this issue. Through thorough testing and a robust quality assurance and quality control process, data showed that fluorinated HDPE containers used to store and transport the pesticide product were the source of PFAS contamination.
  - Since that determination, the lab has been hard at work in testing different brands of fluorinated containers to determine whether they contain and/or leach PFAS, and if so, learn the conditions affecting leaching.
  - The lab has also been responsive to other emerging PFAS in pesticides issues across other regions, such as the PEER report on Permanone 30-30, and has been collecting pesticide samples so we can conduct our own testing.
  - I am pleased to share that the lab has also made great strides in developing a method to test for PFAS in oily matrices, which will allow other laboratories to conduct their own testing and support us as we uncover possible contamination from fluorinated containers in the market.

- PFAS Definition
  - One area that has been a challenge was harmonizing our definition of what constitutes a PFAS across the agency.
  - We worked together with our sister offices to come to a consensus about what the definition of a PFAS compound is in the context of pesticides.
  - As you know, pesticides undergo a rigorous scientific assessment process prior to registration, and we evaluate chemical-specific data to ensure that pesticides can be used safely without unreasonable adverse effects to human health and the environment.
  - We were confident in our determination that there were no pesticide active or inert ingredients with structures similar to prominent PFAS such as PFOS, GenX, and PFOA.
  - The emergence of the issue of PFAS in pesticides has caused us to further evaluate structures using the latest working definition from the Office of Pollution Prevention and Toxics or OPPT.
  - OPPT's working definition when identifying PFAS on the TSCA Inventory is a structure that contains the unit R-CF2-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included).
  - Under FIFRA Section 6(a)(2), pesticide registrants should report to EPA additional factual information on unreasonable adverse effects, including metabolites, degradates, and impurities (such as PFAS).
  - EPA considers any level of PFAS to be potentially toxicologically significant and may trigger 159.179(b) in the Code of Federal Regulations (CFR).
- Next Steps

- We will continue to keep you informed on this issue and share any information expeditiously. We are actively communicating with state and regional partners and their laboratories.
- We encourage you to reach out to us if you are interested in providing laboratory support or have information that can help us as we continue our investigation.
- We appreciate all the help and interest from the several regions that have been affected and are pleased to collaborate on uncovering the many layers to this issue.

Chlorpyrifos: [desk statement]

- EPA intends to act in accordance with the Court's April 29th decision and is determining its next steps, which could include revoking or modifying some or all tolerances and cancelling some or all food uses. As the agency pursues its mission to protect human health, including that of children, and the environment, EPA is committed to helping to support and protect farmworkers and their families while making certain that pesticides are used appropriately among the nation's agriculture. EPA will ensure sound science leads the decision-making process under federal pesticide laws.

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, June 21, 2021 11:45 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Layne, Arnold <Layne.Arnold@epa.gov>; Carlisle, Sharon <Carlisle.Sharon@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Pease, Anita <Pease.Anita@epa.gov>; Reaves, Elissa <Reaves.Elissa@epa.gov>; Smith, Charles <Smith.Charles@epa.gov>; Vogel, Dana <Vogel.Dana@epa.gov>; Ozmen, Shamus <Ozmen.Shamus@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>
Subject: FW: OCSPP/Regional Division Directors Summer National Meeting-June 29-30: Draft Agenda + Teams

Looks like I am on the agenda for the RDD meeting for next week to talk about Registration review and PFAS. Could use some TPs and/or Desk Statements.

- OPP
  - Registration Review Updates
    - Specific Chemical Updates
  - Chlorpyrifos
  - Dicamba
  - Section 18

Objective: Multi-Program PFAS Update

- Case study- Region 1
- HQ Response
  - Lab Activities
  - PFAS Agency Workgroup
  - PFAS Definition
  - PFAS Proposed Rule & Requirements
- Next steps

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: Garcia, Beth <garcia.beth@epa.gov>
Sent: Monday, June 21, 2021 11:21 AM
To: Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Hughes, Hayley <hughes.hayley@epa.gov>; Mayes, Desmond <Mayes.Desmond@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Hartman, Mark <Hartman.Mark@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Bellot, Michael <Bellot.Michael@epa.gov>; Miles, James <miles.james@epa.gov>; Rodman, Sonja <Rodman.Sonja@epa.gov>; Teter, Royan <Teter.Royan@epa.gov>; Miller, Anthony <Miller.Anthony@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>
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