UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF CONGRESSIONAL
AND INTERGOVERNMENTAL RELATIONS

Ms. Tiffany Stecker
E&E Publishing
122 C Street, N.W.
Suite 722
Washington, D.C. 20008

RE: Freedom of Information Act Request EPA-HQ-2015-002868

Dear Ms. Stecker:

This is in response to your Freedom of Information Act (FOIA) request submitted January 6, 2015, requesting the Environmental Protection Agency's response to a November 21, 2014, letter from lawmakers regarding the agency's actions to assess risks posed by pesticides to pollinator health. Enclosed is a copy of the document that is responsive to your request.

If you have any concerns, you may appeal this response in writing to the National Freedom of Information Act Officer at:

Records, FOIA, and Privacy Branch
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460
Fax: (202) 566-2147
Email: hq.foia@epa.gov

Please note that only correspondence mailed through the United States Postal Service can be delivered to the address above. If you want to deliver your appeal in person, via courier service, or via an overnight delivery service, you must address your correspondence to 1301 Constitution Avenue, NW, Room 6416J, Washington, DC 20001.

Your appeal must be submitted no later than 30 calendar days from the date of this letter and should include the request number listed above. The agency will not consider appeals received after the 30 calendar-day limit. For the quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

If you have any questions regarding this response, please contact Loreto Tillery, FOIA Coordinator at (202) 564-2791 or Aretha Brockett, Acting Director for Information Management Division at (202) 564-0911.

Sincerely,

Joyce K. Frank
Principal Deputy Associate Administrator

Enclosures

United States Senate

WASHINGTON, DC 20510

November 21, 2014

The Honorable Gina McCarthy
Administrator
Environmental Protection Agency
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator McCarthy:

We write to request information on the steps the Environmental Protection Agency (EPA) is taking to address the risks posed by pesticides to pollinator health, as well as EPA's planned actions in response to the President's June 2014 memorandum outlining a federal strategy to protect the health of honey bees and other pollinators. Since beekeepers began reporting massive die-offs of bees in 2006, the health of our nation's honey bees and other insect pollinators has been a continuing source of concern. The President's actions highlight the importance of pollinators to our economy, as well as the many factors that are affecting their health, and we urge you to take steps that are commensurate with the importance of this issue to food production, the economy, and the environment.

EPA has an important role in protecting our nation's pollinators through its administration of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Under FIFRA, the EPA is required to review applications for pesticide registrations and to only approve the use of a pesticide if "it will perform its intended function without unreasonable adverse effects on the environment" and "when used in accordance with widespread and commonly recognized practice it will not generally cause unreasonable adverse effects on the environment."[1] The phrase "unreasonable adverse effects on the environment" means "any unreasonable risk to man or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide."[2] Additionally, EPA is required to reassess the use of pesticides every 15 years through the registration review process.[3] The EPA Administrator can also cancel or change a registration through a special review process if she determines that the pesticide causes unreasonable adverse effects to the environment.[4] The Administrator has the authority to immediately suspend a pesticide's registration when

[1] 7 U.S.C. § 136a(c)(5).
[2] 7 U.S.C. § 136(z)(bb).
[3] 7 U.S.C. § 136a(g).
[4] 7 U.S.C. § 136d(b).

decisions relating to neonicotinoids, including its 2012 decision not to suspend clothianidin registrations under its imminent hazard authority?

3. As described above, there are increasing indications that systemic pesticides not only pose risks for pollinators but can have broader impacts on the surrounding environment. This includes the presence of neonicotinoids in food consumed by humans. How is EPA evaluating the extent to which neonicotinoids are transferred in the environment surrounding application and planting sites, including surrounding groundwater? Will EPA incorporate the data and findings from USGS and FWS into its evaluation of neonicotinoids, particularly seed treatments, and their transfer into the environment and effect on biodiversity and water quality? Is EPA working with FDA to evaluate the occurrence of neonicotinoid residues in food and the impact that these pesticides may have on human health? If not, why not?
4. How does EPA plan to incorporate information from independent scientific studies in its registration review for neonicotinoids? How will EPA consider the effects on components of the ecosystem other than pollinators, such as other invertebrates, vertebrates, and water quality?
5. FIFRA's standard for pesticide registration prohibits pesticide uses that would have an "unreasonable adverse effects on the environment." The definition of "unreasonable adverse effects," as described above, requires an evaluation of the costs and benefits of using the pesticide. How will EPA take into account the impacts of systemic pesticides on pollinator health as well as other parts of the ecosystem in this analysis? How will EPA factor both lethal and sub-lethal effects in its consideration of the costs of using these pesticides? As discussed above, there are indications, including a recent EPA study on neonicotinoid seed treatments and soybean yields, that the some current uses of systemic pesticides, particularly prophylactic uses such as seed treatments, may not be providing the purported agricultural benefits to farmers. How will EPA take this evidence into account?
6. Section 7 of the Endangered Species Act (ESA) requires that federal agencies consult with the Fish and Wildlife Service to ensure that their actions are not likely to jeopardize the continued existence of any listed species. A number of insects and other invertebrates are protected under the ESA. Has EPA completed a consultation for any active neonicotinoid ingredient? If not, why? What actions is EPA taking to fulfill its responsibilities under the ESA in regards to negative impacts neonicotinoids can have on threatened and endangered species?
7. In a 2012 letter to Senator Markey, Assistant Administrator Jones stated: "If, at any time during our review, the science indicates that, in fact, neonicotinoid pesticides used according to label instructions are not meeting the protection standards of FIFRA, the EPA will take necessary regulatory action." Recently, Assistant Administrator Jones announced that EPA may make its regulatory decision on neonicotinoids by 2016 or 2017. Given the large number of independent scientific

studies already published on systemic pesticides and their impact on pollinator health, is EPA evaluating the information already available to determine whether regulatory action is needed before 2016 or 2017?

Thank you for your cooperation in responding to these requests. Please contact Angela Noakes or Dr. Avenel Joseph on Senator Markey's staff at 202-224-2742 with any questions.

Sincerely,

Edward J. Markey
United States Senator

Barbara Boxer
United States Senator

Sheldon Whitehouse
United States Senator

Elizabeth Warren
United States Senator

Brian Schatz
United States Senator

Benjamin L. Cardin
United States Senator

Christopher S. Murphy
United States Senator

Richard Blumenthal
United States Senator

Bernard Sanders
United States Senator

Mazie K. Hirono
United States Senator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Edward J. Markey
United States Senate
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

Incidents in the news, such as the June 2013 bumble bee incident in Wilsonville, Oregon, that you mention, also present challenges. While the Wilsonville incident was widely reported initially, the Oregon Department of Agriculture's investigation conclusion identifying pesticide misuse as the cause of the incident, received far less coverage. Needless to say, it would be inappropriate for the EPA to regulate pesticides at the federal level based on initial reports of pesticide incidents. Similarly, incidents caused by local misuse are generally not a good basis for regulatory action at the national level. The EPA must be very careful to honor our statutory mandate in the actions we take and the data we rely on to support those actions. Within that mandate, however, we are working very hard to advance the science of pollinator risk assessments to improve pollinator protection.

The Agency has begun to employ a new risk assessment framework for bees as part of its regulatory decision-making process for all pesticide chemistries.[1] The new framework:

- relies on a tiered process;
- focuses on the major routes of exposure, including contact exposure (*e.g.*, from overspray or direct contact with the pesticide on the plant surface) and dietary exposure (*e.g.*, from consumption of contaminated pollen or nectar); and
- distinguishes different types of pesticide treatments, such as compounds applied to plant leaves or seed/soil-applied (systemic) compounds.

[1] http://www2.epa.gov/pollinator-protection/pollinator-risk-assessment-international-workshop

As part of this framework, we went through a peer-review process over several years to identify reliable data that address how pesticide use may impact pollinators.[2] Upon review of currently available open literature studies, we frequently find that the supporting data are not as robust and developed as required by the Agency's standards and criteria that serve as the foundation of our risk assessments and regulatory actions.

The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

With regard to the various questions you asked, the vast majority are addressed in the work plans, scoping documents, problem formulations, risk assessments, and other publicly available registration review documents for each chemical, which the EPA has posted to the regulatory dockets for the neonicotinoid pesticides.[4]

Regarding neonicotinoid residues in food, while the Food and Drug Administration's Total Diet Study[5] is one source of useful information, data from the U.S. Department of Agriculture's Pesticide Data Program (PDP) also informs the Agency about real-world pesticide residues, including the neonicotinoids, on agricultural commodities in the U.S. food supply.[6] Emphasizing commodities highly consumed by infants and children, PDP data show that, when detected at all, neonicotinoid residues are generally orders of magnitude lower than the tolerance levels EPA has established.

In addition to acting as co-chair of the Pollinator Health Task Force, the EPA is assessing effects of pesticides on bee and other pollinator health; engaging in the development of state and tribal pollinator protection plans; encouraging the incorporation of pollinator protection and habitat planting activities into green infrastructure and Superfund projects; and expediting review of registration applications for new products targeting pests harmful to pollinators. We are also continuing to work with beekeepers, growers, pesticide manufacturers, the USDA, and states to apply technologies to reduce pesticide exposure to bees, advance best management practices, enhance enforcement guidance and to ensure that real-world pollinator risks are accounted for in our pesticide regulatory decisions.

Building on the EPA's 2013 initiative for new pesticide labels that prohibit use of some neonicotinoid pesticide products where bees are present,[7] we are working with our state and tribal partners on a new

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Thiamethoxam: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0581
Dinotefuran: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2011-0920
Acetamiprid: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2012-0329
Thiacloprid: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2012-0218

[5] http://www.fda.gov/Food/FoodScienceResearch/TotalDietStudy/default.htm

[6] http://www.ams.usda.gov/AMSv1.0/pdp

[7] http://go.usa.gov/AgQ3

proposal to require additional label restrictions intended to reduce the likelihood of acute mortality to bees. The new mitigation measures will affect a much broader suite of chemicals – those that are known to be acutely toxic to bees. I anticipate announcing the new labeling proposal and inviting public comment in the coming months.

As you mentioned, on October 16, 2014, the EPA announced the public availability of the first of several benefits analyses we are conducting as part of the registration review process for the neonicotinoid pesticides. The Agency's analysis of the benefits of neonicotinoid seed treatments for insect control in soybeans concluded that there is little or no increase in soybean yields using most neonicotinoid seed treatments when compared to using no pest control at all.[8] Consistent with EPA's longstanding policies on public participation and transparency, we are accepting public comments on the analysis and will take appropriate regulatory action, if necessary, once we have analyzed and accounted for the comments received. Other benefits analyses for the neonicotinoid pesticides are underway.

Finally, the EPA assesses risks from all approved uses as a regular part of our pesticide registration and registration review processes. We believe the new risk assessment framework for bees described above should improve our understanding and mitigation of risks to bees posed by all approved pesticide uses.

Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,[9] communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the Agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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[8] http://go.usa.gov/AgQ9

[9] http://www.ars.usda.gov/News/docs.htm?docid=15572#research

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Barbara Boxer
United States Senate
Washington, D.C. 20510

Dear Senator Boxer:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

Incidents in the news, such as the June 2013 bumble bee incident in Wilsonville, Oregon, that you mention, also present challenges. While the Wilsonville incident was widely reported initially, the Oregon Department of Agriculture's investigation conclusion identifying pesticide misuse as the cause of the incident, received far less coverage. Needless to say, it would be inappropriate for the EPA to regulate pesticides at the federal level based on initial reports of pesticide incidents. Similarly, incidents caused by local misuse are generally not a good basis for regulatory action at the national level. The EPA must be very careful to honor our statutory mandate in the actions we take and the data we rely on to support those actions. Within that mandate, however, we are working very hard to advance the science of pollinator risk assessments to improve pollinator protection.

The Agency has begun to employ a new risk assessment framework for bees as part of its regulatory decision-making process for all pesticide chemistries.[1] The new framework:

- relies on a tiered process;
- focuses on the major routes of exposure, including contact exposure (*e.g.*, from overspray or direct contact with the pesticide on the plant surface) and dietary exposure (*e.g.*, from consumption of contaminated pollen or nectar); and
- distinguishes different types of pesticide treatments, such as compounds applied to plant leaves or seed/soil-applied (systemic) compounds.

[1] http://www2.epa.gov/pollinator-protection/pollinator-risk-assessment-international-workshop

As part of this framework, we went through a peer-review process over several years to identify reliable data that address how pesticide use may impact pollinators.[2] Upon review of currently available open literature studies, we frequently find that the supporting data are not as robust and developed as required by the Agency's standards and criteria that serve as the foundation of our risk assessments and regulatory actions.

The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

With regard to the various questions you asked, the vast majority are addressed in the work plans, scoping documents, problem formulations, risk assessments, and other publicly available registration review documents for each chemical, which the EPA has posted to the regulatory dockets for the neonicotinoid pesticides.[4]

Regarding neonicotinoid residues in food, while the Food and Drug Administration's Total Diet Study[5] is one source of useful information, data from the U.S. Department of Agriculture's Pesticide Data Program (PDP) also informs the Agency about real-world pesticide residues, including the neonicotinoids, on agricultural commodities in the U.S. food supply.[6] Emphasizing commodities highly consumed by infants and children, PDP data show that, when detected at all, neonicotinoid residues are generally orders of magnitude lower than the tolerance levels EPA has established.

In addition to acting as co-chair of the Pollinator Health Task Force, the EPA is assessing effects of pesticides on bee and other pollinator health; engaging in the development of state and tribal pollinator protection plans; encouraging the incorporation of pollinator protection and habitat planting activities into green infrastructure and Superfund projects; and expediting review of registration applications for new products targeting pests harmful to pollinators. We are also continuing to work with beekeepers, growers, pesticide manufacturers, the USDA, and states to apply technologies to reduce pesticide exposure to bees, advance best management practices, enhance enforcement guidance and to ensure that real-world pollinator risks are accounted for in our pesticide regulatory decisions.

Building on the EPA's 2013 initiative for new pesticide labels that prohibit use of some neonicotinoid pesticide products where bees are present,[7] we are working with our state and tribal partners on a new

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Acetamiprid: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2012-0329
Thiacloprid: http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPP-2012-0218
[5] http://www.fda.gov/Food/FoodScienceResearch/TotalDietStudy/default.htm
[6] http://www.ams.usda.gov/AMSv1.0/pdp
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proposal to require additional label restrictions intended to reduce the likelihood of acute mortality to bees. The new mitigation measures will affect a much broader suite of chemicals – those that are known to be acutely toxic to bees. I anticipate announcing the new labeling proposal and inviting public comment in the coming months.

As you mentioned, on October 16, 2014, the EPA announced the public availability of the first of several benefits analyses we are conducting as part of the registration review process for the neonicotinoid pesticides. The Agency's analysis of the benefits of neonicotinoid seed treatments for insect control in soybeans concluded that there is little or no increase in soybean yields using most neonicotinoid seed treatments when compared to using no pest control at all.[8] Consistent with EPA's longstanding policies on public participation and transparency, we are accepting public comments on the analysis and will take appropriate regulatory action, if necessary, once we have analyzed and accounted for the comments received. Other benefits analyses for the neonicotinoid pesticides are underway.

Finally, the EPA assesses risks from all approved uses as a regular part of our pesticide registration and registration review processes. We believe the new risk assessment framework for bees described above should improve our understanding and mitigation of risks to bees posed by all approved pesticide uses.

Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,[9] communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the Agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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[8] http://go.usa.gov/AgQ9
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 2 9 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senator Whitehouse:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

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The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

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proposal to require additional label restrictions intended to reduce the likelihood of acute mortality to bees. The new mitigation measures will affect a much broader suite of chemicals – those that are known to be acutely toxic to bees. I anticipate announcing the new labeling proposal and inviting public comment in the coming months.

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Finally, the EPA assesses risks from all approved uses as a regular part of our pesticide registration and registration review processes. We believe the new risk assessment framework for bees described above should improve our understanding and mitigation of risks to bees posed by all approved pesticide uses.

Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,[9] communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the Agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

Dear Senator Warren:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

Incidents in the news, such as the June 2013 bumble bee incident in Wilsonville, Oregon, that you mention, also present challenges. While the Wilsonville incident was widely reported initially, the Oregon Department of Agriculture's investigation conclusion identifying pesticide misuse as the cause of the incident, received far less coverage. Needless to say, it would be inappropriate for the EPA to regulate pesticides at the federal level based on initial reports of pesticide incidents. Similarly, incidents caused by local misuse are generally not a good basis for regulatory action at the national level. The EPA must be very careful to honor our statutory mandate in the actions we take and the data we rely on to support those actions. Within that mandate, however, we are working very hard to advance the science of pollinator risk assessments to improve pollinator protection.

The Agency has begun to employ a new risk assessment framework for bees as part of its regulatory decision-making process for all pesticide chemistries.[1] The new framework:

- relies on a tiered process;
- focuses on the major routes of exposure, including contact exposure (*e.g.*, from overspray or direct contact with the pesticide on the plant surface) and dietary exposure (*e.g.*, from consumption of contaminated pollen or nectar); and
- distinguishes different types of pesticide treatments, such as compounds applied to plant leaves or seed/soil-applied (systemic) compounds.

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As part of this framework, we went through a peer-review process over several years to identify reliable data that address how pesticide use may impact pollinators.[2] Upon review of currently available open literature studies, we frequently find that the supporting data are not as robust and developed as required by the Agency's standards and criteria that serve as the foundation of our risk assessments and regulatory actions.

The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

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In addition to acting as co-chair of the Pollinator Health Task Force, the EPA is assessing effects of pesticides on bee and other pollinator health; engaging in the development of state and tribal pollinator protection plans; encouraging the incorporation of pollinator protection and habitat planting activities into green infrastructure and Superfund projects; and expediting review of registration applications for new products targeting pests harmful to pollinators. We are also continuing to work with beekeepers, growers, pesticide manufacturers, the USDA, and states to apply technologies to reduce pesticide exposure to bees, advance best management practices, enhance enforcement guidance and to ensure that real-world pollinator risks are accounted for in our pesticide regulatory decisions.

Building on the EPA's 2013 initiative for new pesticide labels that prohibit use of some neonicotinoid pesticide products where bees are present,[7] we are working with our state and tribal partners on a new

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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,[9] communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the Agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Brian Schatz
United States Senate
Washington, D.C. 20510

Dear Senator Schatz:

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Sincerely,

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Benjamin Cardin
United States Senate
Washington, D.C. 20510

Dear Senator Cardin:

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Sincerely,

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Christopher S. Murphy
United States Senate
Washington, D.C. 20510

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Let me close by reiterating that, at the EPA, we are committed to finding and implementing a wide range of actions to effectively address the complex and varied stressors facing pollinators in this country. We believe that staying abreast of evolving science,[9] communicating with our regulatory partners here and abroad, and working with research scientists and practitioners in laboratories and in the field puts the Agency in the best position to account for, in our regulatory decisions, potential effects of neonicotinoid pesticides on honey bees. The registration review process allows the EPA to act quickly if the data and associated scientific evaluations warrant such action. If the risk posed by a pesticide, supported by the best available, peer-reviewed science, cannot be mitigated or managed through other measures, and the Agency determines that the pesticide no longer meets the Federal Insecticide, Fungicide, and Rodenticide Act standard for registration, then the EPA will move quickly to take appropriate regulatory action.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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[8] http://go.usa.gov/AgQ9

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Richard Blumenthal
United States Senate
Washington, D.C. 20510

Dear Senator Blumenthal:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

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The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

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In addition to acting as co-chair of the Pollinator Health Task Force, the EPA is assessing effects of pesticides on bee and other pollinator health; engaging in the development of state and tribal pollinator protection plans; encouraging the incorporation of pollinator protection and habitat planting activities into green infrastructure and Superfund projects; and expediting review of registration applications for new products targeting pests harmful to pollinators. We are also continuing to work with beekeepers, growers, pesticide manufacturers, the USDA, and states to apply technologies to reduce pesticide exposure to bees, advance best management practices, enhance enforcement guidance and to ensure that real-world pollinator risks are accounted for in our pesticide regulatory decisions.

Building on the EPA's 2013 initiative for new pesticide labels that prohibit use of some neonicotinoid pesticide products where bees are present,[7] we are working with our state and tribal partners on a new

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[5] http://www.fda.gov/Food/FoodScienceResearch/TotalDietStudy/default.htm

[6] http://www.ams.usda.gov/AMSv1.0/pdp

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mr. Sven-Erik Kaiser in the EPA's Office of Congressional and Intergovernmental Relations at kaiser.sven-erik@epa.gov or (202) 566-2753.

Sincerely,

James J. Jones
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Bernard Sanders
United States Senate
Washington, D.C. 20510

Dear Senator Sanders:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

The scientific issues concerning the role of pesticides in pollinator declines are complex, and we need to ensure that the EPA's regulatory positions do not outpace scientific consensus or otherwise depart from the requirements of federal law. One of the challenges for the Agency's pesticide office involves how to provide accurate information about extremely complicated issues and rapidly advancing science so that our position and rationale become part of the public discourse.

Incidents in the news, such as the June 2013 bumble bee incident in Wilsonville, Oregon, that you mention, also present challenges. While the Wilsonville incident was widely reported initially, the Oregon Department of Agriculture's investigation conclusion identifying pesticide misuse as the cause of the incident, received far less coverage. Needless to say, it would be inappropriate for the EPA to regulate pesticides at the federal level based on initial reports of pesticide incidents. Similarly, incidents caused by local misuse are generally not a good basis for regulatory action at the national level. The EPA must be very careful to honor our statutory mandate in the actions we take and the data we rely on to support those actions. Within that mandate, however, we are working very hard to advance the science of pollinator risk assessments to improve pollinator protection.

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- distinguishes different types of pesticide treatments, such as compounds applied to plant leaves or seed/soil-applied (systemic) compounds.

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As part of this framework, we went through a peer-review process over several years to identify reliable data that address how pesticide use may impact pollinators.[2] Upon review of currently available open literature studies, we frequently find that the supporting data are not as robust and developed as required by the Agency's standards and criteria that serve as the foundation of our risk assessments and regulatory actions.

The recent studies on pollinators and pesticides that you mention in your letter exemplify the challenges we face regarding quality science. Many studies published in peer-reviewed journals or by foreign governments do not meet our scientific and/or quality standards. This does not mean that open literature studies have no value for the Agency's pesticide regulatory purposes. Rather, the EPA must always weigh new studies against the preponderance of other available data and the requirements of federal law.[3] To that end, the Agency will conduct an open literature review as part of our registration review of the neonicotinoid pesticides, and the studies you mention will be included.

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In addition to acting as co-chair of the Pollinator Health Task Force, the EPA is assessing effects of pesticides on bee and other pollinator health; engaging in the development of state and tribal pollinator protection plans; encouraging the incorporation of pollinator protection and habitat planting activities into green infrastructure and Superfund projects; and expediting review of registration applications for new products targeting pests harmful to pollinators. We are also continuing to work with beekeepers, growers, pesticide manufacturers, the USDA, and states to apply technologies to reduce pesticide exposure to bees, advance best management practices, enhance enforcement guidance and to ensure that real-world pollinator risks are accounted for in our pesticide regulatory decisions.

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Sincerely,

James J. Jones
Assistant Administrator

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 29 2015

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

The Honorable Mazie H. Hirono
United States Senate
Washington, D.C. 20510

Dear Senator Hirono:

Thank you for your November 21, 2014, letter to the U.S. Environmental Protection Agency regarding your concerns about potential impacts of neonicotinoid pesticides on bees and the EPA's approach to regulating these chemicals. I want to assure you that the EPA is working aggressively to protect bees and other pollinators from the potential effects of pesticides and is engaged in national and international efforts to address those concerns.

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