To: Bowman, Liz[Bowman.Liz@epa.gov]; Beck, Nancy[Beck.Nancy@epa.gov]
Cc: Graham, Amy[graham.amy@epa.gov]; Ferguson, Lincoln[ferguson.lincoln@epa.gov]
From: Wilcox, Jahan
Sent: Thur 7/20/2017 4:18:09 PM
Subject: RE: Chlorpyrifos

Are these 2015 letters the ones or do we have 2017 letters?

http://src.bna.com/cu4

http://src.bna.com/cu7

From Bloomberg BNA …

Though the department's specific objections varied, a common theme across the USDA's letters is a concern that the EPA will restrict farmers' access to pesticides based on flawed or incomplete science.

In a Dec. 16, 2015, letter to the EPA, Sheryl Kunickis, director of the USDA's Office of Pest Management Policy, said the EPA's risk estimates for a class of weed killing chemicals were too conservative and that it needs to "carefully consider the benefits of these herbicides to U.S. agriculture."

Kunickis reiterated this point about the benefits of pesticides in a Jan. 5 letter criticizing an EPA proposal—which was issued in response to a court order—to enact a near-total ban on the widely used insecticide chlorpyrifos.

Robert Johansson, the USDA's chief economist, had even harsher words for the EPA in his April 6, 2015, letter to the EPA. He wrote to object to the findings of an EPA study that found applying controversial insecticides known as neonicotinoids to soybean seeds before planting results in no significant economic benefit to farmers .

The study was meant to be the first in a series looking at the economic benefits of neonicotinoids, which have been linked to alarming declines in pollinator populations, though so far it is the only one in this series that the EPA has issued.

"EPA added an additional and unnecessary burden [to farmers] by publishing a portion of an incomplete risk assessment," Johansson wrote. "USDA staff had specifically requested EPA to complete the full risk

assessment."

From: Wilcox, Jahan
Sent: Thursday, July 20, 2017 12:12 PM
To: Bowman, Liz <Bowman.Liz@epa.gov>; Beck, Nancy <beck.nancy@epa.gov>
Cc: Graham, Amy <graham.amy@epa.gov>; Ferguson, Lincoln <ferguson.lincoln@epa.gov>
Subject: FW: Chlorpyrifos

Does anyone have that letter from the USDA about chlorpyrifos?

From: Marcotty, Josephine [mailto:Josephine.Marcotty@startribune.com]
Sent: Thursday, July 20, 2017 12:03 PM
To: Wilcox, Jahan <wilcox.jahan@epa.gov>
Subject: RE: Chlorpyrifos

Jahan, thanks. I've seen most of this. The Administrator said you'd be able to provide me with the letter EPA received from the USDA that prompted him to change course on the withdrawal of the pesticide. He said that EPA "could not ignore the data." I'd like copy of that letter and the data and/or research by the USDA that he referring to. As it stands, the world thinks that the research supporting the ban is pretty solid. If that's not so, as he said, then world should know that. Thanks. JM

From: Wilcox, Jahan [mailto:wilcox.jahan@epa.gov]
Sent: Thursday, July 20, 2017 10:54 AM
To: Marcotty, Josephine <Josephine.Marcotty@startribune.com>
Subject: Chlorpyrifos

On background, attached is the court document regarding chlorpyifos along with this recent story from Reuters. Additionally, wanted to flag that the Associated Press had to issue a correction and new wire story about their coverage on this topic. Finally, adding in a clip from the Today Show that I thought was really fair from the spring along with the stuff from the USDA (at the bottom).

Let me know if there is anything else you need.

ASSOCIATED PRESS: Correction: EPA-Dow Chemical story
https://apnews.com/2350d7be5e24469ab445089bf663cdcb

ASSOCIATED PRESS: EPA says Pruitt meeting with Dow Chemical head was canceled
http://www.startribune.com/epa-says-pruitt-meeting-with-dow-chemical-head-was-canceled/431859803/

TODAY SHOW: "Under the new Trump administration, the EPA has overruled a ban proposed by the Obama administration on chlorpyrifos, a pesticide used on many foods that some research finds may be harmful to children. NBC national correspondent Miguel Almaguer reports for TODAY." (Today Show, 04/06/17)
http://www.today.com/video/ban-of-controversial-pesticide-overturned-are-your-fruits-and-vegetables-safe-915292739591

Court Denies Ban on Chlorpyrifos
Reuters
July 19, 2017
http://www.agprofessional.com/corn/insect/court-denies-ban-chlorpyrifos

A U.S. appeals court on Tuesday denied a petition by environmental groups to force the U.S. Environmental Protection Agency to ban the agricultural pesticide chlorpyrifos, ending one of three parallel attempts to bring about the ban, court filings show.

A three-judge panel of the 9th U.S. Circuit Court of Appeals, which is based in San Francisco, rejected a claim by the groups, including Earthjustice and the Natural Resources Defense Council, that the EPA had taken too long to act on the matter.

"Although EPA dragged its heels for nearly a decade, it has now done what we ordered it to do," the judges wrote.

The court had previously ordered the agency to issue a final decision on a decade-old petition to ban the pesticide, which is considered to be a neurotoxin by the U.S. Centers for Disease Control and Prevention's Agency for Toxic Substances and Disease Registry. On March 29, the EPA formally denied the petition. The groups argued the denial was inadequate because it did not

contain any new safety findings.

"The environmental organizations had asked the 9th Circuit to short-circuit the process established by Congress to evaluate the safety of existing pesticides," EPA spokeswoman Amy Graham said in a statement emailed to Reuters on Tuesday.

"The 9th Circuit refused and this victory affords EPA the necessary time to conduct a proper evaluation under the law of the science and the studies on chlorpyrifos and provide clarity about the pesticide's safety to the American people."

A lawyer for Earthjustice, Patti Goldman, said the groups were pursuing two other cases challenging the substance of the EPA's March 29 decision.

One of them, filed on June 5, is proceeding in the same appeals court. It argues that the EPA must ban chlorpyrifos in the wake of its own 2015 determination that it was "unable to conclude that the risk from aggregate exposure" to the pesticide was safe.

EPA officials now say that statement, made while Democratic former President Barack Obama was in office, was based on "novel and uncertain" scientific study methods. Administrator Scott Pruitt, who was chosen by Republican President Donald Trump to lead the agency, said on March 29 the EPA was "using sound science in decision-making" in not banning chlorpyrifos.

“We are disappointed," Goldman said of Tuesday's ruling.

"The tragedy is children are being exposed to this pesticide that can cause brain damage. That's going to happen for a longer period of time."

Agriculture Community Reacts to Recent EPA Action

WASHINGTON -- *U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt recently signed an order denying a petition that sought to ban chlorpyrifos, a*

pesticide common to U.S. agriculture. Administrator Pruitt explained that the decision provides "regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment."

USDA said the decision was based on science and will provide Americans with access to a full range of fruits and vegetables. "This is a welcome decision grounded in evidence and science…This frees American farmers from significant trade disruptions that could have been caused by an unnecessary, unilateral revocation of chlorpyrifos tolerances in the United States. It is also great news for consumers, who will continue to have access to a full range of both domestic and imported fruits and vegetables." [Press Release, Office of Pest Management Policy at the U.S. Department of Agriculture, 03/30/17]

American Farm Bureau noted their reliance on the pesticide in the production of citrus, vegetables, soybeans and many other crops. "Farmers nationwide depend on chlorpyrifos in managing their crops. It is widely and safely used for a wide range of crops, including alfalfa, citrus, vegetables, soybeans, almonds and others. It also protects hundreds of thousands of acres of grass seed production, where it controls aphids, cutworms and other pests. As USDA has noted, chlorpyrifos has been used as a part of environmentally friendly IPM (integrated pest management) programs for nearly 50 years." [American Farm Bureau Federation, 03/30/17]

The California Cotton Ginners and Growers Association noted the lack of raw data supporting the need for a ban. "[Chlorpyrifos] is one of the most widely used pesticides across the world, California Cotton Ginners and Growers Association (CCGGA) and other representatives of the agricultural industry defended the product and grower practices relentlessly in an effort to keep the product available. The largest issues being the main argument in the petition was centered on a study that lacked availability of raw data, duplication or further review." [Press Release, California Cotton Ginners & Growers Association, 03/30/17]

The Corn Growers Association applauded the EPA, because it's safe for use by farmers and our farmers can't be too reliant on a single tool to protect their crops. "Farmers need access to many crop protection tools to ensure all tools can remain effective." [National Corn Growers Association, 03/30/17]

The National Association of State Departments of Agriculture said this is a good decision for farmers. "We commend the EPA for its decision today that keeps an important insecticide available for farmers." [Press Release, National Association of State Departments of Agriculture, 03/30/17]

R052