

August 16, 2012

Via E-Mail

Steven P. Bradbury, Ph.D.
Director, Office of Pesticide Programs
United States Environmental Protection Agency
MC: 7507P
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: January 16, 2009, Agreement between OAPTF and EPA

Dear Dr. Bradbury:

The Organic Arsenical Products Task Force (OAPTF) writes to seek clarification from the U.S. Environmental Protection Agency (EPA) Office of Pesticide Programs (OPP) of the terms of the Agreement in Principle to Implement the Organic Arsenicals Reregistration Eligibility Decision (RED) dated January 16, 2009. Paragraph 3 of the Agreement calls for EPA to provide an opportunity to have new scientific information on the mode of action for carcinogenic effects by inorganic arsenic peer reviewed by the EPA Science Advisory Board (SAB) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) or the SAP in the first half of 2012.

We understand that more recent events have overtaken the literal meaning of that provision in the Agreement. Specifically, the House-Senate Conference Report for EPA's 2012 Appropriations measure directs EPA to request a National Research Council (NRC) review of the Integrated Risk Information System (IRIS) cancer and noncancer assessments for inorganic arsenic. The parties agree to modify the Agreement to include the NRC/National Academy of Sciences (NAS) as a potential peer review body. We understand that the NRC/NAS contract with EPA to undertake this review is now in place and that OPP is currently planning to rely upon the NRC/NAS review (as opposed to the SAB/SAP review noted in the Agreement) as the scientific peer review of the mode of action contemplated under the Agreement. Should this intention change in the future, EPA will notify the registrants. Under the terms of the contract between NRC/NAS and EPA, the project duration is expected to last 41 months, contingent upon the public release of the IRIS assessment by EPA at least 15 months before the contract date end.

We further understand that the registration of Group II uses (as identified in Attachment A to the Agreement) will be extended until after the peer review is completed.

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Please confirm that the Task Force's understanding of the interpretation of the Agreement as set forth above is accurate. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lynn L. Bergeson', with a horizontal line extending to the right.

Lynn L. Bergeson